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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

DEAN SAO, CHRISTOPHER LUCAS
Plaintiffs,
v.
LT. BRAD YOUNG, individually and
as a peace officer, PETER MICHAEL,
Chief of Police, Pasadena City College
Police Department, individually and as
a peace officer, RICK VAN PELT,
Interim VP, Administrative Services,
Pasadena Area Community College
District, individually, DOES 1-10,
Defendants.

CASE NO. CV 11-4752 GW (FMOx)
~~PROPOSED~~ PROTECTIVE
ORDER FOR DISTRICT
ATTORNEY FILES

NOTE CHANGES MADE BY THE COURT

Based upon the Stipulation of the Parties and, GOOD CAUSE APPEARING,
IT IS ORDERED THAT, *as defined in the Stipulation of the Parties,*

1. The PROTECTED DOCUMENTS shall be used solely in connection
with the preparation and trial of this action, CASE NO. CV 11-4752 GW (FMOx),
or any related appellate proceeding, and not for any other purpose, including any
other litigation. This paragraph shall not preclude the Plaintiffs' or Defendants'
attorneys of record in this case from indicating, in connection with discovery or a
discovery motion in another action, an awareness of responsive documents. In
indicating such awareness in any other action, the Plaintiffs' and Defendants'
attorney of record shall not disclose the substance of the Confidential Information.

1 2. The PROTECTED DOCUMENTS shall be treated as confidential by
2 Plaintiffs and Defendants and their respective counsel and shall not be further
3 disclosed, disseminated or otherwise distributed except as provided in this
4 Protective Order.

5 3. The PROTECTED DOCUMENTS, or any portion thereof, may not be
6 disclosed, distributed or disseminated except as provided in subparagraph (d) below.

7 4. The PROTECTED DOCUMENTS, or any portion thereof, may only be
8 disclosed to the following persons:

9 (a) Counsel for Parties only and specifically not to Plaintiffs with the
10 exception of any recordings, written or otherwise, of Plaintiffs own statements;

11 (b) All members of the Parties' legal teams, including, but not limited to,
12 paralegal, investigative, support, stenographic, clerical and secretarial and related
13 personnel regularly employed by counsel referred to in subparagraph (1) above.

14 (c) The Court and Court personnel, including stenographic reporters
15 engaged in such proceedings as are necessarily incidental to preparation for the trial
16 of this action; and

17 (d) Expert witnesses designated by Plaintiff's or Defendants' counsel solely
18 for the purpose of this litigation.

19 5. Furthermore, each person (except Court personnel) to whom disclosure
20 of The PROTECTED DOCUMENTS, or any portion thereof, is made, with the
21 exception of those identified in subparagraph d. above who are presumed to know
22 the contents of this Protective Order, shall, prior to the time of disclosure, be
23 provided a copy of this Protective Order by the person furnishing him/her such
24 material, and shall agree on the record or in writing that he/she has read the
25 Protective Order, and that he/she understands the provisions of the Protective Order,
26 and that he/she agrees to be bound by the provisions of this Protective Order. Such
27 person (except Court personnel) also must consent in writing to be subject to the
28 jurisdiction of the United States District Court, Central District of California, with

1 respect to any proceeding relating to enforcement of this Order, including without
2 limitation, any proceeding for contempt. Unless made on the record in this
3 litigation, counsel making the disclosure to any person described above shall retain
4 the original executed copy of said agreement until final termination of this litigation.

5 6. If the PROTECTED DOCUMENTS, or any portion thereof which were
6 not part of a public filing, are to be filed with the Court by any of the parties to this
7 STIPULATION, in any form, the party who wishes to do so shall prepare the
8 Application required by Local Rule 79-5.1 beforehand.

9 7. Nothing in paragraph 4 is intended to prevent officials or employees of
10 the County of Los Angeles or other authorized governmental officials from having
11 access to the PROTECTED DOCUMENTS if they would have had access in the
12 normal course of their job duties. Further, nothing in this Protective Order prevents
13 subsequent attorneys representing Plaintiffs or Defendants in a re-trial or other post-
14 trial proceedings from gaining access to the PROTECTED DOCUMENTS to the
15 extent they are otherwise available through ordinary discovery procedures or similar
16 means. Finally, nothing in this Order precludes a witness from disclosing events or
17 activities personal to him or her; that is, a witness can disclose to others information
18 previously given to the County of Los Angeles with respect to what he or she saw,
19 heard or otherwise sensed.

20 8. The foregoing is without prejudice to the right of the Plaintiffs,
21 Defendants and the DA:

22 a. To apply to the Court for a further protective order relating to
23 confidential material or relating to discovery in this litigation; and

24 b. To apply to the Court for an order compelling production of documents
25 or modification of this protective order or for any order permitting disclosure of
26 documents or the information contained therein the terms of this protective order.

27 c. Plaintiffs and Defendants do not waive any right to assert, inter alia,
28 that the DA does not have a legitimate interest or need to limit access to documents

1 reflecting and/or related to its internal decision making process in Plaintiffs' or
2 Defendants' case and do not waive their respective rights seeking discovery of these
3 documents. Plaintiffs and Defendants do not waive their rights to seek disclosure of
4 any and all documents in the possession of the DA relating to the District Attorney
5 files for the cases subpoenaed and identified above on any and all applicable
6 grounds, including but not limited to his rights and guarantees afforded to them by
7 law.

8 9. Once the Protective Order issues, the following schedule will take
9 effect, subject to extraordinary circumstances or by mutual agreement of the
10 Plaintiff, Defendants and the DA:

11 a. Within Fifteen (15) days of the notice to counsel for the DA, of
12 the Court's entry of the Protective Order, the DA will make available, for inspection
13 and/or photocopying, the non-privileged, non-confidential documents in its
14 possession, custody or control, which are responsive to the above-referenced
15 subpoenas duces tecum. Plaintiffs will bear the reasonable cost of duplicating the
16 materials.

17 b. The Plaintiff shall place a stamp on each PROTECTED
18 DOCUMENT marked "Confidential-Subject to Protective Order." The marking
19 shall not, to the extent practicable, prevent or impede the reading of the text of the
20 PROTECTED DOCUMENT. If through its inadvertence, surprise or neglect, the
21 Plaintiff does not label a PROTECTED DOCUMENT as indicated, counsel for
22 Plaintiff shall so notify the DA and shall place the phrase "Confidential-subject to
23 Protective Order," on the PROTECTED DOCUMENT.

24 c. Within Thirty (30) days after the date that an Order terminating
25 this litigation becomes no longer subject to judicial review, counsel for Plaintiff
26 shall promptly return to the DA all copies of the PROTECTED DOCUMENTS and
27 shall certify it has not retained any such documents, or portions thereof except as
28 required by the Court.

1 10. This Protective Order, when entered into by the Court, shall be
2 retroactive to the date of the initial disclosure of documents made by the DA in this
3 matter.

4 11. This Protective Order is entered into without prejudice to the right of
5 any party and/or the DA to file any motion for relief from the Court from any
6 restriction hereof or for any other or further restriction on the production, exchange,
7 or use of any documents, testimony, or other information produced, given, or
8 exchanged in the course of discovery in this action. Further, by entering into this
9 Protective Order, neither Plaintiffs nor Defendants waive the right to file a Motion
10 in Limine regarding all or a portion of the PROTECTED DOCUMENTS. This
11 Order may be modified, amended, or vacated by further Order of the Court.

12 ~~12. This Protective Order shall survive the final determination for this~~
13 ~~action and shall remain in full force and effect after conclusion of all proceedings~~
14 ~~herein, and the court shall have continuing jurisdiction to enforce its terms.~~

15 12. Any motions relating to the Protective Order must
16 comply with Local Rule 37.

IT IS SO ORDERED.

18 DATED: February 7, 2012

F. do M. Olguin
HON. FERNANDO M. OLGUIN
United States District Court
Magistrate Judge