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

GILBERT OSUNA,
Plaintiffs,

vs.

LAPD OFFICER R. ERIVES, BADGE NO. 35511, LAPD OFFICER S. GONZALEZ, BADGE NO. 33143, LAPD SERGEANT GONZALEZ, BADGE NO. 22983, AND DOES 1 - 10,
Defendants

CASE NO.: CV12-02475 PA (JCGx)
Judge Percy Anderson
Magistrate Judge Jay C. Gandhi

~~PROPOSED~~

**PROTECTIVE ORDER REGARDING
DISCLOSURE OF CONFIDENTIAL
INFORMATION**

**(RELATED INTERNAL
AFFAIRS INVESTIGATION)**

Whereas counsel for the parties have discussed the mutual exchange of documents in this litigation, Defendants, through their counsel of record, have agreed to produce certain confidential information in this litigation, and therefore, the parties have stipulated to the following terms and conditions, the Court hereby orders as follows:

1. In accordance with the above-referenced agreement, the City of Los Angeles has agreed to produce copies of the following documents following the issuance of a protective order in this matter:

a) The City has agreed to produce the Internal Affairs investigation which pertains to Mr. Osuna's arrest on May 12, 2011.

1 4. If the Protective Order is issued, Defendants will produce the above-
2 referenced documents wherein the documents will be marked in one of the following
3 ways: “Confidential,” “Confidential Documents,” “Confidential Material,” “Subject to
4 Protective Order” or words of similar effect. Documents, writings, or other tangible
5 items, so designated, and all information derived therefrom (hereinafter, collectively
6 referred to as “Confidential Information”), shall be treated in accordance with the terms
7 of this stipulation and protective order.

8 5. Confidential Information may be used by the persons receiving such
9 information only for the purpose of this litigation.

10 6. Subject to the further conditions imposed by this stipulation, Confidential
11 Information may be disclosed only to the following persons:

12 (a) Counsel for the parties, and any investigators, paralegal assistants, office
13 clerks, secretaries and other such personnel working under their supervision.

14 (b) The District Court and its personnel;

15 (c) The parties;

16 (d) Court reporters and their staff, persons preparing transcripts of depositions,
17 and professional vendors to whom disclosure is reasonably necessary for
18 this litigation;

19 (e) Witnesses in the course of deposition, the portion of which will be under
20 seal, where counsel has a reasonable and good faith belief that the
21 examination with respect to the Confidential Information is necessary, and
22 any person being prepared to testify where counsel has a reasonable and
23 good faith belief that such person will be a witness in this action and that
24 his or her examination with respect to the Confidential Information is
25 necessary in connection with such testimony.

26 (f) Such other persons as may be agreed by written stipulation among the
27 parties hereto, or by Court order.

28 7. Prior to the disclosure of any Confidential Information to any person

1 described in paragraph 6(c) to 6(f), counsel for the party that has received and seeks to
2 use or disclose such Confidential Information shall first provide any such person with
3 a copy of this stipulation, and shall cause him or her to execute, on a second copy which
4 counsel shall thereafter serve on the other party the following acknowledgment:

5 "I understand that I am being given access to Confidential Information

6
7 pursuant to the foregoing stipulation and order. I have read the Order and agree
8 to be bound by its terms with respect to the handling, use and disclosure of such
9 Confidential Information.

10 Dated: _____ /s/ _____"

11 **8. With the exception of persons described in paragraph 6(b), no person**
12 **shall be permitted to retain copies of any Confidential Information. Upon the final**
13 **termination of this litigation, including a settlement or jury verdict, or entry of**
14 **judgment by the Court against either Plaintiff or one or more of the Defendants,**
15 **Plaintiff shall have 14 calendar days by which to return to the Los Angeles City**
16 **Attorney's Office, all confidential information which is identified in paragraph 1**
17 **and its subparts herein. In the event an appeal is filed, the Plaintiff will have 14-**
18 **days after the resolution of Plaintiff's post-verdict motions and/or appellate**
19 **proceedings, to return all confidential information identified in paragraph 1 and its**
20 **subparts herein to the Los Angeles City Attorney's Office.** Further, the Stipulation
21 for Protective Order set forth herein requires written confirmation from Plaintiff's
22 counsel that all materials are being returned pursuant to the terms of this Stipulation and
23 the District Court's order on this Stipulation.

24 **9. If any party who receives Confidential Information receives a subpoena or**
25 **other request seeking Confidential Information, he, she or it shall immediately give**
26 **written notice to the Defendants' counsel, identifying the Confidential Information**
27 **sought and the time in which production or other disclosure is required, and shall object**
28 **to the request or subpoena on the grounds of this stipulation so as to afford the**

1 Defendants an opportunity to obtain an order barring production or other disclosure, or
2 to otherwise respond to the subpoena or other request for production or disclosure of
3 Confidential Material. Other than objecting on the grounds of this stipulation, no party
4 shall be obligated to seek an order barring production of Confidential Information, which
5 obligation shall be borne by the Defendants. However, in no
6 event should production or disclosure be made without written approval by the
7 Defendants' counsel unless required by court order arising from a motion to compel
8 production or disclosure of Confidential Information.

9 10. Any pleadings, motions, briefs, declarations, stipulations, exhibits or other
10 written submissions to the Court in this litigation which contain, reflect, incorporate or
11 refer to Confidential Information shall be **submitted with an application that the**
12 **document be filed and maintained under seal either pursuant to the Central District**
13 **of California's Pilot Project for the Electronic Submission and Filing Under Seal**
14 **Documents and paragraph 9 of the District Court's Standing Order. (See also Local**
15 **Rules 5-4, 79-5, et seq.).** If a document or pleading submitted to the Court, as described
16 in this paragraph, makes only a general reference to any document or information
17 contained therein covered by this protective order, but does not quote or describe its
18 contents in any specific way, and does not include the protected document itself, then the
19 party or parties need not enter into a stipulation or otherwise seek an order to file the
20 documents under seal. **In entering into a stipulation for the filing of Confidential**
21 **Information under seal, none of the parties waives its right to object to the**
22 **admissibility of said information in connection with that proceeding or to move to**
23 **exclude said information prior to or during the time of trial.**

24 11. The parties agree that the spirit of confidentiality as protected in this order
25 will apply to all proceedings. To that end, before any protected document or any
26 information derived therefrom is to be put forward, admitted into evidence, discussed in
27 detail or otherwise publicized in Court, the party raising the protected document will
28 inform the other parties and allow for a motion to the Court to close the proceedings to

1 the public.

2 12. Nothing herein shall prejudice any party's rights to object to the introduction
3 of any Confidential Information into evidence, on grounds including but not limited to
4 relevance and privilege.

5 13. During the course of depositions, when counsel makes an objection to a
6 question concerning a protected document or information contained therein, which is
7 the subject of this Stipulation and protective order, or concerning a general area that
8 counsel believes should be covered by the scope of this Stipulation and protective order,
9 those witnesses (as identified in Paragraph 6 and its subparts herein) may answer the
10 question, without waiving the objections, and the questions and answers to those
11 questions will be sealed and covered by the terms of this protective order. Counsel and
12 the parties reserve the right to object to the disclosure of confidential or private
13 information which is not the subject of this stipulation and protective order. Consistent
14 with paragraph 10, any documents deemed confidential pursuant to this protective order
15 will be lodged under seal, if they are used as exhibits in any deposition and subsequently
16 sought to be included in any filing with the District Court. This agreement does not
17 waive any objections counsel may make, including objections unrelated to the reasons
18 for this protective order.

19 14. Each person receiving or reviewing Confidential Information must consent
20 to the jurisdiction of the United States District Court for the Central District of
21 California, including the Magistrate Judge assigned to this case, with respect to any
22 proceeding relating to enforcement of this Order, including, without limitation, any
23 proceeding for contempt and/or monetary sanctions

24 15. This Protective Order survives until the time the commencement of trial.
25 The parties hereto, however, may make a request to the District Judge, in advance of
26 trial, that the Confidential Information disclosed pursuant to the Protective Order remain
27 confidential and/or be kept and maintained pursuant to the terms of the Protective Order.

28 16. This Stipulation may be signed in sub-parts and may be transmitted by


1 facsimile as if it was the original document. Defendants will lodge this executed
2 Stipulation with the Court for approval.

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IT IS SO ORDERED.

Dated: October 1, 2015

By: _____


**HONORABLE PERCY ANDERSON
UNITED STATES DISTRICT JUDGE**