

1 2. Questions from those exams not in the custody of Dr. Richard Deamer.

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3 **I. GOOD CAUSE STATEMENT**

4 The psychological exams taken in this matter are proprietary and potentially
5 useless if the questions are widely disseminated. Neither Defendants nor Dr. Rosenberg
6 own the rights to the tests, and Dr. Rosenberg has signed contracts requiring him to
7 protect the test questions from the public domain. The answers given are the work
8 product of the defendants in this law suit. They are being turned over to Dr. Richard
9 Deamer as plaintiff has indicated she intends to call him as her treating psychiatrist
10 should this case go to trial. The Court ordered defendants to turn over the answers and
11 any tests not in Dr. Deamer's possession subject to this protective order. The issuance of
12 an appropriate protective order makes certain that these privacy and privilege concerns
13 are not compromised beyond that degree necessary to the issues before the court.
14 Accordingly, on behalf of the City of Los Angeles and those persons identified within a
15 given Complaint, the Defendants respectfully request these procedural protections in the
16 instant case.

17 **II. TERMS OF THE PROTECTIVE ORDER**

18 1. The Confidential Documentation being provided pursuant to this Protective
19 Order will be accomplished by affixing to such document or writing a legend, such as
20 "Confidential," "Confidential Documents," "Confidential Material Subject to Protective
21 Order" or words of similar effect. The documents and writings so designated, and all
22 information derived therefrom (hereinafter, collectively, "Confidential Information"),
23 shall be treated in accordance with the terms of this stipulation/protective order. The
24 "Confidential" Watermark shall not obscure the writings on the document's legibility and
25 shall not be repeated more than once per page.

26 2. Confidential Information may be used by the persons receiving such
27 information only for the purpose of this above-captioned litigation .

28 3. Subject to the further conditions imposed by this stipulation/protective order,

1 Confidential Information may be disclosed only to the following persons:

2 a. Dr. Deamer, his secretaries and other such personnel working under his
3 supervision;

4 b. Such other parties as may be agreed by written stipulation among the parties
5 hereto, or by Court Order.

6 c. The test questions shall not be turned over to the plaintiff in this matter.

7 4. Prior to the disclosure of any Confidential Information to any person
8 described in paragraph 3(a), 3(b) or 3(c), counsel for the party that has received and seeks
9 to use or disclose such Confidential Information shall first provide any such person with a
10 copy of this protective order, and shall cause him or her to execute the following
11 acknowledgment:

12 "I understand that I am being given access to Confidential Information
13 pursuant to the foregoing protective order. I have read the
14 stipulation/protective order and agree to be bound by its terms with respect
15 to the handling, use and disclosure of such Confidential Information.

16 Dated: _____/s/ _____"

17 Once this is completed, Plaintiff will serve a copy of the acknowledgment upon
18 Defendants.

19 5. Upon the final termination of this federal litigation, including any appeal
20 pertaining thereto, including but not limited to any event wherein the case is ever
21 remanded to State Court, all materials, as well as any other Court Ordered Documents
22 provided pursuant to this Protective Order and **all copies thereof shall be returned to**
23 **the Offices of the Los Angeles City Attorney's Office, 6th Floor, City Hall East, Los**
24 **Angeles, California 90012 for destruction/shredding. All Confidential**
25 **documentation provided to any person or party, pursuant to any provision hereof,**
26 **also shall be returned to the City Attorney's Office.**

27 6. If any party who receives Confidential Information receives a subpoena
28 and/or public record request seeking Confidential Information, he, she or it shall

1 immediately give written notice to counsel for defendants, identifying the Confidential
2 Information sought and the time in which production or other disclosure is required, and
3 shall object to the request or subpoena on the grounds of this stipulation/protective order
4 so as to afford defendants an opportunity to obtain an order barring production or other
5 disclosure, or to otherwise respond to the subpoena or other request for production or
6 disclosure of Confidential Material. However, in no event should production or
7 disclosure be made without written approval by defendants' counsel unless required by
8 Court Order arising from a motion to compel production or disclosure of Confidential
9 Information. **Nothing in this Protective Order should be construed as authorizing a**
10 **party in this action to disobey a lawful directive from another court.**

11 7. Any pleadings, motions, briefs, declarations, stipulations, exhibits or other
12 written submissions to the Court in this litigation which contain, reflect, incorporate or
13 refer to Confidential Information, it shall be the party seeking to use such information
14 burden to first request the sealing of such documents pursuant to Local Rule 79-5.1.

15 8. Counsel for the parties hereto agree to request that in the event any motions,
16 applications or other pre-trial proceedings which could entail the discussion or disclosure
17 of Confidential Information, that such a Party will first seek special permission from the
18 Court to hear such information outside the presence of the jury. Counsel for the parties
19 further agree that, during any portion of the trial of this action which could entail the
20 discussion or disclosure of Confidential Information, that Defendants will have an
21 opportunity to make a special request to the Court that access to the courtroom be limited
22 to parties, their counsel and other designated representative, experts or consultants who
23 agreed to be bound by this stipulation/protective order, and court personnel.

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

4 10. This Protective Order survives settlement, trial and/or appeal.

5 **IT IS SO ORDERED**

6 Dated: 08/12/15



7 By: _____
8 **HONORABLE PATRICK J. WALSH**
9 **UNITED STATES MAGISTRATE JUDGE**

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