

1 DAVID S. McLANE (SBN 124952)
 KAYE, McLANE, BEDNARSKI & LITT, LLP
 2 234 East Colorado Boulevard, Suite 230
 Pasadena, California 91101
 3 Telephone: (626) 844-7660
 Facsimile: (626) 844-7670
 4 Email: dmclane@kmbllaw.com

5 Attorney for Plaintiff

6 ANDRÉ BIROTTE JR.
 United States Attorney
 7 LEON W. WEIDMAN
 Assistant United States Attorney
 Chief, Civil Division
 8 RICHARD M. PARK (Cal. Bar No. 236173)
 Assistant United States Attorney
 Room 7516, Federal Building
 10 300 North Los Angeles Street
 Los Angeles, California 90012
 11 Tel: (213) 894-3275
 Fax: (213) 894-7819
 12 Email: Richard.park@usdoj.gov

13 Attorneys for the Defendants

**NOTE: CHANGES HAVE BEEN
MADE TO THIS DOCUMENT**

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

17 CHARLIE MABE,)	Case No: CV 13-2097 CBM (RZx)
)	
18 Plaintiff,)	[PROPOSED] PROTECTIVE ORDER
)	
19 v.)	
)	
20 T. PAGE, et al.)	
)	Hon. Ralph Zarefsky
)	United States Magistrate Judge
22 Defendants.)	
)	

23
 24 Having reviewed the parties' Joint Stipulation for
 25 Protective Order, and good cause appearing thereof:

26 IT IS HEREBY ORDERED that the Bureau of Prisons is permitted
 27 to produce (1) Log Book for relevant time periods from MDC-LA 6S,
 28

1 Special Housing Unit ("SHU"), 9S and 8 (SHU), (2) Specific
2 Orders, Post Orders, and Post Order Review, (3) Daily
3 Assignment/Duty Rosters, (4) Inmate Death Memorandum and evidence
4 photographs, (5) T&As: Time and Attendance records for defendants
5 Casten-Methu), Castillo, Nicolas-Arafiles, Pereira Littaua, and
6 Sinavsky, (6) Religious Services Memo, (7) visitor logs and
7 related documents, (8) phone logs and related documents, and (9)
8 e-mail logs and related documents (collectively, "Protected
9 Information").

10 The Protected Information documents may be redacted prior to
11 disclosure to remove (1) the names of non-parties referred to
12 therein, (2) personal data identifiers contained therein (if any)
13 such as social security numbers, birth dates, FBI numbers,
14 financial account numbers, and home addresses, and (3) financial
15 data (if any) for non-parties.

16 The Protected Information shall be used by the parties,
17 counsel, experts, consultants and witnesses only for the purpose
18 of this litigation, and not for any other purpose whatsoever.
19 The Protected Information, and/or contents thereof, shall be
20 disclosed only to:

21 1. Counsel of record for the parties;

22 2. Plaintiff Charlie Mabe, who shall be permitted to review
23 the Protected Information in the presence of counsel of record,
24 provided that she shall not be given a copy thereof, shall agree
25 to be bound by the terms of the Protective Order issued by the
26 Court, and shall execute a confidentiality agreement in the form
27 attached hereto as Exhibit A;

28 3. Expert consultants/witnesses, who are retained or
consulted by the parties for the purposes of providing testimony

1 or performing other services relating to this action, provided
2 that they shall agree to be bound by the terms of this Order and
3 shall execute a confidentiality agreement in the form attached
4 hereto as Exhibit A; or

5 4. Non-expert witnesses to this action, but only to the
6 extent that disclosure is necessary to question a witness or
7 prepare a witness to be questioned by another party; provided
8 that they shall agree to be bound by the terms of this Order and
9 shall execute a confidentiality agreement in the form attached
10 hereto as Exhibit A. Said non-expert witnesses shall be
11 permitted to review the Protected Information in the presence of
12 counsel, but shall not be given a copy thereof to retain.

13 All documents, pleadings, or transcripts of deposition
14 testimony filed in this litigation, including any appeal, that
15 contain, or disclose the contents of the Protected Information
16 shall be submitted under seal pursuant to Local Rule 79-5
governing confidential court records.

17 At the conclusion of this litigation, including any appeal
18 taken therefrom, all originals or reproductions of the Protected
19 Information shall be returned to counsel for defendants within 30
20 days of the termination of the action, including copies provided
21 to expert consultants/witnesses.

22 This shall not include documents (1) that have been filed
23 with the Court or (2) that contain notations of counsel or
24 experts/consultants, in which case they are to be destroyed by
25 plaintiff's counsel within 30 days of the termination of the
26 action.

27 Upon completion of this action, including any appeal taken
28 therefrom, plaintiff's counsel shall certify to this Court that

1 they have irretrievably destroyed all documents which are the
2 subject of this Order. They shall further certify that they have
3 destroyed all copies and/or duplicates, as defined by Rule
4 1001(4) of the Federal Rules of Evidence that they have made of
5 such documents.

6 This Order is not intended to compromise the rights of any
7 party to object to discovery pursuant to the Federal Rules of
8 Civil Procedure or any other governing authority nor is it
9 intended to alter any burden of proof regarding any assertion of
10 privilege in this matter. This Order permits defendants to
11 produce the Protected Information, but does not constitute an
12 order requiring production.

13 Nothing in this Order shall prohibit a party from seeking
14 further protection of the Protected Information by stipulation
15 among the parties, approved by the Court, or by application to
16 the Court directly.

17 Nothing in this Order constitutes a waiver of any party's
18 right to seek a Court Order permitting the future use and/or
19 production of unredacted copies of the Protected Information.

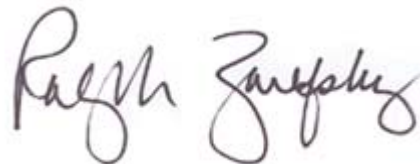
20 Nothing in this Order constitutes a waiver of BOP's right to
21 use, disclose or disseminate the Protected Information in
22 accordance with the provisions of the Privacy Act, any applicable
23 statutory/regulatory provisions, or BOP policies.

24 Neither the United States Department of Justice, including
25 the BOP and the United States Attorney's Office, nor any of its
26 officers, agents employees, or attorneys, shall bear any
27 responsibility or liability for any disclosure of any documents
28 obtained by plaintiff pursuant to this Order, or of any
information contained in such documents.

1 This Order does not constitute any ruling on the question of
2 whether any particular document or category of information is
3 properly discoverable or admissible and does not constitute any
4 ruling on any potential objection. Other than explicitly set
5 forth herein this Order does not apply to any information or
6 documents subject to a claim of privilege or other basis of
7 exclusion, and this Order shall not be precedent for adopting any
8 procedure with respect to the disclosure of any such other
9 information.

10
11 Notwithstanding the foregoing, this Order shall not govern
12 materials submitted in connection with dispositive motions or at trial. If
13 protection is desired in connection with those proceedings, then the parties
14 must apply separately, at which time different standards of evaluation may
15 govern. *See Kamakana v. City and County of Honolulu*, 447 F.3d 1172 (9th Cir.
16 2006). Any such application should be made to the judicial officer who will
17 preside at those proceedings.
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20 DATED: April 15__, 2014



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23 HON. RALPH ZAREFSKY
24 UNITED STATES MAGISTRATE JUDGE
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KAYE, McLANE, BEDNARSKI & LITT, LLP
2 234 East Colorado Boulevard, Suite 230
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3 Telephone: (626) 844-7660
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14
15 **UNITED STATES DISTRICT COURT**
16 **CENTRAL DISTRICT OF CALIFORNIA**

17 MABE,) Case No: CV 13-2097 CBM (RZx)
18)
19 Plaintiff,) **AGREEMENT TO BE BOUND BY**
20) **PROTECTIVE ORDER**
21 v.)
22 T. PAGE, et al.)
23)
24 Defendants.)

24 The undersigned, having read and fully understood the terms
25 of the Protective Order entered by the Court in the
26 above-captioned action, hereby agrees to be bound thereby. The
27 undersigned agrees that the Protected Information as defined by
28

1 the Protective Order entered by the Court shall be used only for
2 the purpose of this litigation, and not for any other purpose
3 whatsoever. The undersigned agrees not to disseminate or disclose
4 the Protected Information, or contents thereof. If an original or
5 reproduction of any of the above documents has been provided to
6 the undersigned pursuant to the Protective Order, they shall be
7 returned by the undersigned within 10 days to counsel requesting
8 the return of said documents or within 10 days of the conclusion
9 of any work performed by the undersigned in this litigation.

10
11 DATED:

12 _____
13 Signature

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15 _____
16 Printed Name

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