

1 BRIAN A. VOGEL, SBN 167493  
 2 brian@bvogel.com  
 3 THE LAW OFFICES OF BRIAN A. VOGEL, PC  
 4 770 County Square Dr., Ste. 104  
 5 Ventura, CA 93003  
 6 Phone: (805) 654-0400  
 7 Facsimile: (805) 654-0326

8 Attorney for Plaintiff JOSEPH M. HICKS

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

11 JOSEPH M. HICKS, an individual, )  
 12 )  
 13 Plaintiff, )  
 14 vs. )  
 15 CITY OF SANTA BARBARA, SANTA )  
 16 BARBARA POLICE DEPARTMENT )  
 17 OFFICER JUSTIN CRUZ, an )  
 18 individual, DEPARTMENT OF )  
 19 ALCOHOLIC BEVERAGE CONTROL )  
 20 OFFICER LUIS MADRIZ, an )  
 21 individual, and DOES 1-10, inclusive, )  
 22 Defendants. )

Case No. CV 13-9016 FMO (RZx)  
**[PROPOSED] PROTECTIVE  
 ORDER ON CONFIDENTIAL  
 INFORMATION**

23 Pursuant to the stipulation of Plaintiff and the State of California Department of  
 24 Alcoholic Beverage Control which is not a party, and good cause being shown therefore,

25 **THE COURT HEREBY ORDERS THE FOLLOWING:**

26 1. The information and items subject to this agreement (“Confidential  
 27 Information”) are as follows:

28 (a) The State of California Department of Alcoholic Beverage Control

1 (“ABC”) personnel file pertaining to Defendant Luis Madriz, including all documents  
2 relating to the history of employment from inception to the present such as job  
3 application, position job description, performance appraisals, employee development  
4 plans, employee self assessments, notes on attendance, performance improvement plan  
5 documentation, reports, and employee recognition documents. Defendant Madriz will  
6 produce these documents with redactions of all information relating to Madriz’s personal  
7 residence information, past and present, as well as personal identifying information such  
8 as Social Security number, and any information relating to his personal relationships  
9 outside of his employment at ABC including with his spouse, family members, friends  
10 and significant others. Any documents related to any psychological examinations of  
11 Madriz as well as any documents related to Madriz’s credit reports are specifically  
12 excluded from this stipulation and [proposed] order, and will not be produced.  
13

14  
15  
16 (b) The ABC Human Resources Department personnel file pertaining  
17 to Defendant Madriz, including application for employment, W-4 forms, personnel action  
18 forms, military leave and deployment records.  
19

20 (c) Documents referring or relating to education and training the Defendant  
21 Madriz has received relating to his duties as a law enforcement officer at ABC.  
22

23 2. The Confidential Information delineated in the previous paragraph is the  
24 proper subject of a privilege. The Court, therefore, orders that the information and items  
25 are deemed confidential.  
26

27 3. The Court may modify the protective order at any time for good cause  
28 shown and upon notice to the affected parties. The parties themselves may further

1 stipulate to add or delete item or information subject to the protective order, subject to  
2 court approval.

3  
4 4. Defendants' concerns of privilege and other objections raised in their  
5 response and outlines in their privilege logs are adequately protected by this protective  
6 order.

7  
8 5. The production of the Confidential Information referenced shall be  
9 subject to the following protections:

10 (a) The Confidential Information will be considered confidential  
11 information. This confidential information shall be used solely in connection with this  
12 case and the preparation and trial of this case, any settlement conference, private  
13 mediation or arbitration conducted in connection with this case, or any related appellate  
14 proceeding, and not for any other purpose.

15  
16 (b) The Confidential Information shall not be disclosed by Plaintiff  
17 or his attorneys to anyone other than:

- 18  
19 (1) Plaintiff's attorneys and their staff;  
20 (2) Any expert or consultant hired or retained by Plaintiff or his  
21 attorneys;  
22 (3) Any judge or magistrate judge presiding over any aspect of this case;  
23 (4) Any mediator, arbitrator or other settlement officer agreed upon by  
24 the parties or appointed to assess and evaluate the dispute for the  
25 purposes of settlement negotiation; and  
26 (5) The initial and rebuttal expert witnesses designated by the parties  
27  
28

1                   pursuant to F.R.C.P. 26(a)(2), and the persons most knowledgeable  
2                   designated by ABC, in the course of testifying at a deposition or trial  
3                   or preparing for such testimony.  
4

5           (c)     The Confidential Information shall not be provided to news,  
6 television, radio, or placed on the Internet.

7           (d)     All persons to whom the Confidential Information is disclosed will  
8 be apprised of the protective order and of its binding nature on all persons connected with  
9 this case.  
10

11           (e)     To the extent that the Confidential Information is disclosed to a  
12 witness pursuant to the protective order, the Confidential Information shall be  
13 appropriately marked “Confidential Item produced in *Hicks v. City of Santa Barbara, et*  
14 *al.*, United States District Court Case No. CV 13-9016 FMO (RZx), subject to protective  
15 order.”  
16

17  
18           6.     All copies of the Confidential Information shall be returned to the  
19 disclosing party within a reasonable time period after the conclusion of this action.

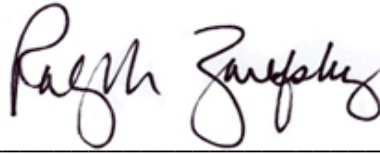
20           7.     The admissibility of the Confidential Information herein disclosed is not  
21 conceded, and the parties each have the right to seek exclusion of the Confidential  
22 Information or their existence either in limine or during trial.  
23

24           8.     Disclosure of the Confidential Information shall be made within ten (10)  
25 days of receipt by Defendants of this signed and conformed order of the Court.  
26

27           This protective order shall not govern in connection with dispositive motions or at  
28 trial. If protection is desired in connection with those proceedings, a separate application

1 must be made, and directed to the judicial officer who will preside in connection with  
2 those proceedings.

3  
4 **IT IS SO ORDERED.**



5  
6 Dated: October 17, 2014

---

7 Hon. Ralph Zarefsky  
8 United States District Court  
9 Central District of California  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28