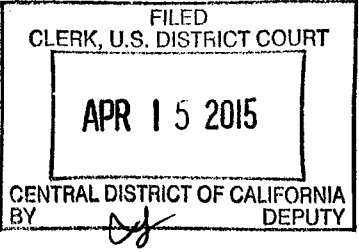


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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

GREGORY RUIZ, an individual; and
DEANNA PEREZ, an individual,
Plaintiff,

vs.

CITY OF LOS ANGELES, a municipal
entity; LOS ANGELES POLICE
DEPARTMENT, a department of the City of
Los Angeles; DOES 1-100, inclusive,
Defendants.

) Case No.: CV14-6388 MWF (Ex)
) Assigned to: Judge Michael W. Fitzgerald
) Courtroom: 1600

) Assigned to: Magistrate Charles F. Eick
) Courtroom: 20 on 3rd Floor

) **DEFENDANT CITY OF LOS ANGELES AND PLAINTIFFS' ~~Proposed~~ STIPULATED PROTECTIVE ORDER RE USE OF FORCE INVESTIGATION REPORT**

PROTECTIVE ORDER USE OF FORCE INVESTIGATION REPORT

After the Plaintiffs GREGORY RUIZ AND DEANNA PEREZ, individually (hereinafter referred to as "Plaintiffs"), by and through their attorneys of record, Layfield & Wallace, APC, by Bradley S. Wallace and Defendants CITY OF LOS ANGELES, a local public entity (hereinafter referred to as "Defendants"), by and through their attorneys of record, Michael N. Feuer, City Attorney, Cory M. Brente, Supervising

1 Assistant City Attorney and Christian R. Bojorquez conferred regarding the Production of
2 the Use of Force Investigation Report in the above-entitled case, **IT IS HEREBY**
3 **STIPULATED AND AGREED** between the parties hereto, by their undersigned
4 counsel of record, that the following Protective Order, and its terms shall govern
5 documents and things in this matter:

6
7 For purposes of this Order, Confidential Materials include, but are not limited to:

8 1. Use of Force Investigation Records;
9 2. Any and all documents, interviews, Officer Statements and/or writings
10 created during the Investigation, which include, but are not limited to, the following:

11 A. Use of Force Report - Case Details - No. 2017117

- 12 ● Interviews;
13 ● Officer Statements, whether summarized, written or recorded;
14 ● Any diagram;
15 ● Pictures - Which coincide with an Officer(s) statement which
16 were intended to reflect the Officer's stated or perception of events;
17 ● Investigative Narrative;
18 ● All addenda

19 ***I. GOOD CAUSE STATEMENT***

20 The Los Angeles Police Department conducts internal administrative investigations
21 of officer-involved uses of force. In this above-captioned matter a Use of Force Report
22 was conducted. As a result, the Parties have agreed to this Proposed Protective Order
23 covering the Investigation and its contents. Defendants contend that a Protective Order is
24 appropriate for the following Good Cause reasons:

25 a. Once completed, a Use of Force investigation report (hereafter "UOF"
26 report) is prepared. Such reports are reviewed by appropriate command officers in the
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1 Department. This review has several purposes: (1) to determine whether the involved
2 officers violated any Department policies or procedures; (2) to determine whether
3 administrative discipline and/or retraining of the involved officers is necessary; (3) to
4 ascertain if police policies and procedures in such areas as supervision, training, tactics,
5 policies, etc.; should be modified. In sum, Use of Force reports are an essential aid to
6 providing critical self evaluation of Department officers and policies and to determine the
7 most effective way to serve the citizens of Los Angeles.

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

9 1. Defendants and Plaintiffs have agreed that the below-listed documents shall
10 be designated confidential documents and/or writings because Defendants believe, in
11 good faith, that these documents and/or writings are privileged, confidential, private or
12 sensitive nature. This will be accomplished by affixing to such document or writing a
13 legend, such as “Confidential,” “Confidential Documents,” “Confidential Material
14 Subject to Protective Order” or words of similar effect. Documents and writings so
15 designated, and all information derived therefrom (hereinafter, collectively, “Confidential
16 Information”), shall be treated in accordance with the terms of this stipulation/protective
17 order.

18 For purposes of this Order, Confidential Materials include, but are not limited to:

- 19 A. Use of Force Report - Case Details - No. 2017117
- 20 ● Interviews;
 - 21 ● Officer Statements, whether summarized, written or recorded;
 - 22 ● Any diagram;
 - 23 ● Pictures - Which coincide with an Officer(s) statement which
24 were intended to reflect the Officer’s stated or perception of events;
 - 25 ● Investigative Narrative;
 - 26 ● All addenda
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1 B. The Confidential Documentation being provided pursuant to this Protective
2 Order will be accomplished by affixing to such document or writing a legend, such as
3 “Confidential,” “Confidential Documents,” “Confidential Material Subject to Protective
4 Order” or words of similar effect. The documents and writings so designated, and all
5 information derived therefrom (hereinafter, collectively, “Confidential Information”),
6 shall be treated in accordance with the terms of this stipulation/protective order.

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

9 3. Subject to the further conditions imposed by this stipulation/protective order,
10 Confidential Information may be disclosed only to the following persons:

11
12 a. Counsel for the parties and to experts, investigators, paralegal
13 assistants, office clerks, secretaries and other such personnel working under
14 their supervision;

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

17 4. Prior to the disclosure of any Confidential Information to any person
18 described in paragraph 3(a), or 3(b), *with the exception of all Court Personnel*, counsel
19 for the party that has received and seeks to use or disclose such Confidential Information
20 shall first provide any such person with a copy of this protective order, and shall cause
21 him or her to execute the following acknowledgment:

22 “I understand that I am being given access to Confidential Information
23 pursuant to the foregoing protective order. I have read the
24 stipulation/protective order and agree to be bound by its terms with respect
25 to the handling, use and disclosure of such Confidential Information.

26 Dated: _____/s/ _____”

1 Once this is completed, Counsel for Plaintiffs will serve a copy of the acknowledgment
2 upon Defendants.

3 5. Upon the final termination of this litigation, including any appeal pertaining
4 thereto or in the event this case is remanded to State Court, all Force Investigation
5 Division materials that were designated as confidential, as well as any other Court
6 Ordered Documents provided pursuant to this Protective Order and all copies thereof,
7 shall be returned to the Offices of the Los Angeles City Attorney's Office, 6th Floor, City
8 Hall East, Los Angeles, California 90012. All Confidential documentation provided to
9 any person or party, pursuant to any provision hereof, also shall be returned to the City
10 Attorney's Office.

11 6. If any party who receives Confidential Information receives a subpoena or
12 other request seeking Confidential Information, he, she or it shall immediately give
13 written notice to counsel for defendants, identifying the Confidential Information sought
14 and the time in which production or other disclosure is required, and shall object to the
15 request or subpoena on the grounds of this stipulation/protective order so as to afford
16 defendants an opportunity to obtain an order barring production or other disclosure, or to
17 otherwise respond to the subpoena or other request for production or disclosure of
18 Confidential Material. In no event should production or disclosure be made without
19 written approval by defendant's counsel unless required by Court Order arising from a
20 motion to compel production or disclosure of Confidential Information.

21 7. Any pleadings, motions, briefs, declarations, stipulations, exhibits or other
22 written submissions to the Court in this litigation which contain, reflect, incorporate or
23 refer to Confidential Information shall first be accompanied by an application to request
24 that the papers, or the confidential portion thereof, be lodged under seal.

25 8. Counsel for the parties hereto agree to request that any motions, applications
26 or other pre-trial proceedings which could entail the discussion or disclosure of
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1 Confidential Information be heard by the Court outside the presence of the jury, unless
2 the Court orders otherwise. Counsel for the parties further agree that, during any portion
3 of the trial of this action which could entail the discussion or disclosure of Confidential
4 Information, that Defendants will have an opportunity to request that access to the
5 courtroom be limited to parties, their counsel and other designated representative, experts
6 or consultants who agreed to be bound by this stipulation/protective order, and court
7 personnel.

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

11 10. The fact that Plaintiffs have entered into this stipulation does not waive any
12 of Plaintiffs' rights to challenge the Defendants' designation of materials as confidential.
13 Nevertheless, Plaintiffs understand and acknowledge that material contained within the
14 Force Investigation, such as interviews, tape recordings and summaries are being
15 provided pursuant to this Protective Order and that they are to remain protected by this
16 Order. In the event that there is some "good faith" disagreement as to whether certain
17 documents and/or information provided by Defendants that were labeled as
18 "confidential" should be treated as confidential, the parties agree to make informal
19 attempts to resolve such issues. Nevertheless, if those informal attempts prove
20 unsuccessful, then Plaintiffs will have the ability to file the necessary motion so that the

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1 Court can make the appropriate ruling. It should be noted however, that Plaintiffs
2 understand that any challenge they may have with respect to the materials contained
3 within the Force Investigation must be based upon impracticability and necessity.

4
5 ***IT IS SO STIPULATED:***

6
7 Dated: April 15, 2015

8 **MICHAEL N. FEUER**, City Attorney
9 **THOMAS H. PETERS**, Chief Assistant City Attorney
10 **CORY M. BRENTE**, Supervising City Attorney

11 By: /S/- Christian R. Bojorquez
12 **CHRISTIAN R. BOJORQUEZ**, Deputy City Atty
Attorneys for Defendant City of Los Angeles

13 Dated: April 15, 2015

14 **LAYFIELD & WALLACE**

15 By: /S/- Bradley S. Wallace
16 **BRADLEY S. WALLACE**, Esq.
17 *Attorneys for Plaintiffs*

18
19 ***As to the above-listed Terms of the Stipulated Protective Order, IT IS***
20 ***SO ORDERED:***

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23 Dated: 4/15/15

24 
25 **HON. CHARLES F. EICK**
26 *United States Magistrate Judge*