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

GABRIEL SANCHEZ, an individual,) CASE NO. CV14-06902 JFW (AJWx)
) *[Assigned to Judge John F. Walter,*
 Plaintiff,) *Courtroom 16]*

vs.

COUNTY OF LOS ANGELES, a) **PROTECTIVE ORDER FOR**
 governmental entity; MORGAN) **DOCUMENTS AND INFORMATION**
 ARTEAGA, an individual; and DOES) **DISCLOSED DURING DISCOVERY**
 1 to 20, inclusive,)
 Defendants.) **Complaint Filed: 9/4/14**
) **Trial: 4/28/15**

After considering the stipulation filed by Plaintiff and Defendant concurrently herewith, and with good cause appearing, it is hereby ordered as follows:

The Court hereby issues a protective order precluding publication and limiting the use of the following documents and information which contain confidential and privileged information: **(a) Any information or documents contained in the personnel file or employment records of Deputy Morgan Arteaga that is in the possession the Los Angeles County Sheriff's Department (including, but not**

1 **limited to, complaints regarding use of excessive force, other types of complaints,**
2 **internal investigations, disciplinary history, medical records, and payroll records,**
3 **job performance evaluations, education records, employee training records); and**
4 **(b) Information contained in the investigation reports related to the arrest and**
5 **detention of persons other than Plaintiff, which is confidential and has not been**
6 **made public.**

7 1. Good cause exists for issuance of a protective order pursuant to Federal
8 Rule of Civil Procedure Rule 26(c) to facilitate the production of documents and
9 information responsive to the discovery requests of Plaintiffs and to balance the
10 privacy interests and protection of information afforded to law enforcement officers
11 in the state of California including Deputy Morgan Arteaga that County contends is
12 statutorily deemed confidential and protected by California Evidence Code section
13 1040 *et seq.*, the official information privilege (*Sanchez v. City of Santa Ana*, 936
14 F.2d 1027, 1033 (9th Cir. 1990)), California Penal Code section 832.5 *et seq.*, and
15 California Evidence Code sections 1043 and 1045, and the right to privacy as
16 guaranteed by the United States Constitution. Good cause further exists because if
17 this confidential information were made public in this proceeding, it could allow for
18 misuse of the peace officer personnel information and other official information in
19 other judicial and administrative proceedings. Additionally, all named defendants are
20 currently active peace officers, some or all of whom regularly work in the field;
21 therefore, if this confidential information were made public, the information could be
22 misused in ways that endanger the lives of the officers and their families and/or
23 interfere with their law enforcement duties.

24 2. The information and/or documentation identified above that are the
25 subject of this order will be referred to collectively as the “CONFIDENTIAL
26 INFORMATION.” CONFIDENTIAL INFORMATION shall be used in this
27 litigation as follows:

28 a. CONFIDENTIAL INFORMATION shall be used solely in

1 connection with this litigation and the preparation of this case, or
2 any related appellate proceeding, and not for any other purpose,
3 including any other litigation or administrative proceedings.
4 Further, Plaintiff’s counsel is expressly prohibited from disclosing
5 any CONFIDENTIAL INFORMATION (either the documents or
6 deposition testimony themselves, or any information contained
7 therein) to either Plaintiff Gabriel Sanchez or the attorneys
8 representing Plaintiff in his state court criminal proceedings (Case
9 No. 4SY02314).

- 10 b. CONFIDENTIAL INFORMATION produced in this action may be
11 designated by Defendants by marking each page of the document(s)
12 with a stamp stating “CONFIDENTIAL”. Should Plaintiff seek
13 any CONFIDENTIAL INFORMATION from sources other than
14 through Defendant’s counsel, Plaintiff must provide Defendants
15 with written notice of their intent to do so no later than ten days
16 prior to seeking such documents. This notice shall include the
17 name, address, and telephone number of the person or entity from
18 whom Plaintiff seeks such CONFIDENTIAL INFORMATION, and
19 a detailed description of any documents or information sought.
20 Should the CONFIDENTIAL INFORMATION be sought through a
21 subpoena, timely service of the subpoena itself on Defendants’
22 counsel shall constitute sufficient written notice. Plaintiff agrees
23 that the first review of documents or information obtained in this
24 manner shall be in the joint presence of both Plaintiff’s counsel and
25 Defendant’s counsel, and that Defendants may mark the documents
26 and/or testimony as “CONFIDENTIAL” in accordance with the
27 procedures outlined herein. This subsection does not modify or
28 alter any requirements under the Local Rules or the Federal Rules

1 of Civil Procedure, or preclude Defendants from seeking a
2 protective order prior to the production of any CONFIDENTIAL
3 INFORMATION.

4 c. Testimony taken at a deposition, conference, hearing, or trial may
5 be designated as confidential by making a statement to that effect
6 on the record at the deposition or other proceeding. Arrangements
7 shall be made with the court reporter taking and transcribing such
8 proceeding to separately bind such portions of the transcript
9 containing information designated as confidential, and to label such
10 portions appropriately.

11 d. At any time after receipt of documents labeled “CONFIDENTIAL,”
12 Plaintiff may provide Defendants with a written objection to the
13 classification of specific documents as “CONFIDENTIAL” and the
14 basis for Plaintiff’s objection. Upon receipt of such written
15 objection, the Defendants shall provide a written response to
16 Plaintiff within three business days. If the Defendants do not agree
17 with the position of Plaintiff, the Plaintiff shall have the option of
18 proceeding with a discovery motion, pursuant to Local Rule 37 *et*
19 *seq.*, contesting the confidential nature of the disputed documents.
20 The parties shall comply with the meet and confer requirements of
21 Local 37 *et seq.* prior to the filing of any such motion. The
22 Defendants shall bear the burden of establishing the confidential
23 nature of the disputed documents.

24 e. Under no circumstances shall the CONFIDENTIAL
25 INFORMATION, or the information contained therein, be retained,
26 compiled, stored, used as a database, or disseminated, in any form,
27 except for purposes of this litigated matter in accordance with this
28 Protective Order or by further order of the Court.

- 1 f. Defendants reserve all evidentiary objections, including but not
2 limited to the following objections: on grounds that particular
3 documents are CONFIDENTIAL by the attorney-client privilege
4 and/or the attorney work product doctrine; official information
5 privilege; are not likely to lead to the discovery of admissible
6 evidence, and as such are not relevant to the causes of action raised
7 by this lawsuit under Federal Rules of Civil Procedure, Rule
8 26(a)(1)(A)(B); and all remedies under the code, including the right
9 to recess the deposition to bring a protective order before the Court.
- 10 g. Plaintiff reserve all rights and remedies under the Federal Rules of
11 Civil Procedure and the Federal Rules of Evidence pertaining to
12 discovery.
- 13 h. CONFIDENTIAL INFORMATION and the information contained
14 therein may not be disclosed, except as set forth in paragraph 2(i)
15 below.
- 16 i. CONFIDENTIAL INFORMATION may only be disclosed to the
17 following persons:
- 18 i. Counsel for Plaintiff (excluding Plaintiff's criminal counsel in
19 LASC Case No. 4SY02314)
- 20 ii. Paralegal, law clerk, stenographic, clerical, and secretarial
21 personnel regularly employed by counsel referred to in
22 paragraph 2(i)(i) above.
- 23 iii. Court personnel, including stenographic reporters, necessary
24 for the preparation and processing of this action.
- 25 iv. Any expert or consultant retained in the instant case.
- 26 v. Any individual approved by the Court.
- 27 j. CONFIDENTIAL INFORMATION shall not be divulged to any
28 other person or entities, including the print, radio, television, or any

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other media.

- k. CONFIDENTIAL INFORMATION shall not be posted on the internet or on any website.
- l. If CONFIDENTIAL INFORMATION is included in any papers to be filed in Court, such papers shall be labeled “Confidential – Subject to Court Order” and requested to be filed under seal in accordance with Local Rule 79-5.
- m. In the event that any of the CONFIDENTIAL INFORMATION is used in any Court proceeding in this action, it shall not lose its confidential status through such use, and the party using CONFIDENTIAL INFORMATION shall take all reasonable steps to maintain its confidentiality during such use, including but not limited to redaction and/or filing documents under seal.
- n. Nothing in paragraph 2(e) is intended to prevent authorized government officials for the County of Los Angeles from having access to the documents if they had access in the normal course of their job duties.

3. Plaintiff, Plaintiff’s counsel, Defendants, and Defendant’s counsel shall cause the substance of this Protective Order to be communicated to each person to whom CONFIDENTIAL INFORMATION is revealed and/or disseminated and shall obtain agreement to abide by the Protective Order from each such person.

4. After completion of the judicial process in this case, including any appeals or other termination of this litigation, all CONFIDENTIAL INFORMATION received under the provisions of this Order and copies thereof shall be destroyed or returned to the attorneys of record for Defendants, Collins Collins Muir + Stewart LLP, 1100 El Centro Street, South Pasadena, CA 91030. This case shall be completed when (i) a final judgment has been entered by the Court or the case has otherwise been dismissed with prejudice; (ii) the time for any objection to or request for

1 reconsideration of such a judgment or dismissal has expired; (iii) all available appeals
2 have concluded or the time for such appeals has expired; and (iv) any post appeal
3 proceedings have themselves concluded. The provisions of this Order shall be in
4 effect until further order of this Court.

5 5. Any counsel, expert, or consultant retained in the instant case or
6 investigator retained by counsel for any party to this case, shall not disclose the
7 CONFIDENTIAL INFORMATION or the information contained therein in to any
8 other persons or entities for any reason, nor in any other court proceeding subject to
9 further order of this Court.

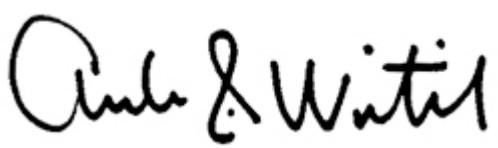
10 6. Provisions of this Order insofar as they restrict disclosure and the use of
11 material shall be in effect until further order of this Court.

12 7. For good cause, any party may seek a modification of this Order, by first
13 attempting to obtain the consent of the other parties to such modification, and then,
14 absent consent, by application to this Court.

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IT IS SO ORDERED.

_____ 2/18/15 _____
Date



Hon. Andrew J. Wistrich
United States Magistrate Judge