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

MILES MORALES, an individual

Plaintiff,

vs.

CITY OF GARDENA and DOE
DEFENDANTS 1 THROUGH 30.

Defendant.

Case No.: 2:14-cv-07514-DMG-MRW

[DISCOVERY MATTER]

**PROTECTIVE ORDER RE
CONFIDENTIAL DOCUMENTS**

Complaint Filed: July 30, 2014

Plaintiff MILES MORALES, through his counsel of record herein, The Law Offices of Dale K. Galipo, Esq., and defendants, CITY OF GARDENA and OFFICER MICHAEL BERGERON, through their counsel of record herein, Manning and Kass, Ellrod, Ramirez and Trester, LLP, submitted a Stipulation for Protective Order before this Court.

The Court has read and considered all of the papers filed in support of this stipulation. Good Cause appearing, this Court makes the following orders.

IT IS THEREFORE ORDERED that the Stipulation for Protective Order Thereon is **GRANTED** as follows:

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1 with a copy of the title page attached to the front of each envelope.
2 Conformed copies need not be placed in sealed envelopes. Where
3 under-seal or in-camera filings are authorized by statute or rule, the
4 authority therefor shall appear on the title page of the proposed filing.
5 Applications and proposed orders to seal or file in camera, along with
6 the material to be sealed or submitted in camera, shall not be
7 electronically filed but shall be presented to the Clerk for filing in
8 paper format, in the manner prescribed by Local Rule 79-5. Unless
9 the filer is exempted from electronic filing pursuant to L.R. 5-4.2(a), a
10 Notice of Manual Filing shall first be electronically filed identifying
11 the materials being manually filed. A copy of the Notice of Manual Filing,
12 together with its NEF (*see* L.R. 5-3.3), shall be presented with the documents
13 presented for filing.

14 ***L.R. 79-5.2 Confidential Court Records - Disclosure.*** No sealed or
15 confidential record of the Court maintained by the Clerk shall be
16 disclosed except upon written order of the Court.

17 ***L.R. 79-5.3 Procedure for Disclosure of Confidential Court***
18 ***Records.*** An application for disclosure of sealed or confidential court
19 records shall be made to the Court in writing and filed by the person
20 seeking disclosure. The application shall set forth with particularity
21 the need for specific information in such records. The procedures of
22 L.R. 7-3 *et seq.* shall govern the hearing of any such application.

23 6. All disputes regarding this Protective Order shall be handled pursuant
24 to Local Rule 37.

25 7. The documents may be disclosed to the following persons:

- 26 a. counsel for any party to this action;
- 27 b. paralegal, stenographic, clerical and secretarial personnel
28 regularly employed by counsel referred to in paragraph (a);
- 29 c. court personnel including stenographic reporters engaged in such
30 proceedings as are necessary incident to preparation for the trial
31 in this action;
- 32 d. any outside expert or consultant retained in connection with this
33 action, and not otherwise employed by either parties;
- 34 e. any “in-house” or outside experts designated by the defendants
35 to testify at trial in this matter; and
- 36 f. any party to this action.

1 8. The documents **MAY NOT BE DISCLOSED** to any of the following
2 persons: Any documents pursuant to paragraph 1 of the parties' Stipulation for
3 Protective Order are **expressly prohibited** from being disclosed and/or provided to
4 any members of the press and/or media or anyone who is not directly involved in the
5 instant lawsuit.

6 9. Any documents so disclosed will explicitly require inclusion of a copy
7 of this Protective Order and as well as the parties' Stipulation for Protective Order
8 written instructions from counsel directing compliance with same.

9 10. If, in connection with any deposition taken in this action, plaintiff's
10 attorneys question a witness regarding materials subject to this Protective Order, or
11 uses confidential material as deposition exhibits, at the request of defense counsel,
12 the transcripts of such deposition testimony and the attached exhibits shall be
13 designated as confidential material and shall be subject to the provisions of the
14 parties' Stipulation for Protective Order.

15 11. All documents disclosed to plaintiff's counsel must be returned to the
16 CITY OF GARDENA's attorneys at Manning and Kass, Ellrod, Ramirez and
17 Trester, LLP, no later than thirty (30) days after the conclusion of this lawsuit with
18 verification that any documents disclosed uploaded to plaintiff's computer system
19 has been removed.

20 12. The purpose of the parties' Stipulation for Protective Order is not
21 intended to prevent officials or employees of the CITY OF GARDENA or other
22 authorized government officials from having access to the documents if they would
23 have had access in the normal course of their job duties.

24 13. The Court notes as follows: Defendants' decision to enter into the
25 parties' Stipulation for Protective Order is made without waiver of the privileges and
26 rights afforded to them, including, but not limited to, the right to privacy embodied
27 by the United States Constitution or the right to object at the time of trial to the
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1 admissibility of such or to preclude defendants from filing pre-trial motions with
2 regard to the admissibility thereof or the information contained therein.

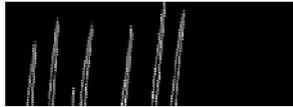
3 14. The Court further notes: Plaintiff's counsel agrees and stipulates that
4 any privilege as asserted by defendant herein applies or attaches to the documents
5 which are the subject of the parties' Stipulation for Protective Order. Further, in the
6 interest of case momentum and conserving judicial resources, plaintiff's counsel
7 agrees to maintain the documents in agreement with the terms of the parties'
8 Stipulation for Protective Order.

9 15. This Order shall not extend to any specific incident-related documents,
10 recordings, or records that were already in the possession of Plaintiff before the date
11 of Plaintiff's service in this action of Plaintiff's initial disclosures (pursuant Fed. R.
12 Civ. P. 26) – including but not necessarily limited to: incident scene or aerial
13 photographs; incident witness and/or officer interviews/statements; incident-related
14 global positioning system ("GPS") tracking digital data; and incident police dispatch
15 radio and/or dispatch/9-1-1 call recordings. This Order is primarily intended to
16 apply to the incident officer-involved shooting ("OIS") file-book prepared by the
17 Gardena Police Department. However, confidential documents as defined in the
18 parties' Stipulation and this Order – except as specifically exempted by this
19 paragraph – may be designated by any of the signatory parties as confidential
20 documents subject to the protection of the parties' Stipulation and this Order

21 16. The provisions of this Protective Order shall be in effect until further
22 Order of the Court or Stipulation by counsel for the parties.

23 **IT IS SO ORDERED.**

24 DATED: January 9, 2017


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26 UNITED STATES MAGISTRATE JUDGE
27 MICHAEL R. WILNER
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Respectfully Submitted By:
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