

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

<p>CHERYL PEREZ, individually and as successor-in-interest to Sonia Angelita Castaneda Montoya,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>COUNTY OF LOS ANGELES; CITY OF POMONA; JAIME MARTINEZ, an individual; JOSE CISNEROS, an individual; and DOES ONE through THIRTY, inclusive,</p> <p style="text-align: center;">Defendants.</p>	<p>) CASE NO. 2:15-cv-00178-CAS(Ex) ) <i>[Assigned to Judge Christina A. Snyder, Courtroom 5]</i> ) ) <del>[PROPOSED]</del> <b>PROTECTIVE ORDER</b> ) <b>FOR DOCUMENTS AND</b> ) <b>INFORMATION DISCLOSED DURING</b> ) <b>DISCOVERY</b> ) <b>Complaint Filed: 1/8/15</b> ) <b>Trial: 5/24/16</b></p>
--	--

The parties' Stipulation and [Proposed] Protective Order have come before this Court. The Court hereby grants the parties' Stipulation Regarding Protective Order for Documents and Information Disclosed During Discovery.

Collins Collins  
Muir + Stewart LLP  
1100 El Centro Street  
So. Pasadena, CA 91030  
Phone (626) 243-1100  
Fax (626) 243-1111

19376

1           Accordingly, IT IS HEREBY ORDERED that pursuant to Federal Rules of  
2 Civil Procedure Rule 26(c), a protective order is issued precluding publication and  
3 limiting the use of the following documents and information which contain  
4 confidential and privileged information:

5           (a) Any information or documents contained in the personnel file or  
6 employment records of any sworn peace officer employed by the County of Los  
7 Angeles. Such documents include, but are not limited to, complaints regarding use of  
8 force, use of force, other types of complaints, internal investigations, disciplinary  
9 history, employee training records; and

10           (b) Information contained in the investigation reports related to the arrest,  
11 detention, or criminal history of persons other than Plaintiff, which is confidential and  
12 protected from disclosure under California state law.

13           (c) Operations plan contained in homicide file related to subject incident that  
14 occurred on March 16, 2013.

15           1. Good cause exists for issuance of a protective order pursuant to Federal  
16 Rule of Civil Procedure Rule 26(c) to facilitate the production of documents and  
17 information responsive to the discovery requests of Plaintiffs and to balance the  
18 privacy interests and protection of information afforded to law enforcement officers  
19 in the state of California (including Investigator Jose Cisneros) that Defendants  
20 contend is statutorily deemed confidential and protected by California Evidence Code  
21 section 1040 *et seq.*, the official information privilege (*Sanchez v. City of Santa Ana*,  
22 936 F.2d 1027, 1033 (9th Cir. 1990)), California Penal Code section 832.5 *et seq.*,  
23 and California Evidence Code sections 1043 and 1045, and the right to privacy as  
24 guaranteed by the United States Constitution. *See, e.g., Hogan v. Robinson*, No. CV F  
25 03 6408 AWI LJO, 2006 WL 1049979, at \*5 (E.D. Cal. Apr. 20, 2006); *Brooks v.*  
26 *Cnty. of San Joaquin*, 275 F.R.D. 528, 534 (E.D. Cal. 2011). Good cause further  
27 exists because if this confidential information were made public in this proceeding, it  
28 could allow for misuse of the peace officer personnel information and other official

1 information in other judicial and administrative proceedings. Additionally, all named  
2 defendants are currently active peace officers, some or all of whom regularly work in  
3 the field and may be assigned to duties involving the gang activity, narcotics, and  
4 organized crime; therefore, if this confidential information were made public, the  
5 information could be misused in ways that endanger the lives of the officers and their  
6 families and/or interfere with their law enforcement duties.

7 2. The information and/or documentation identified above that are the  
8 subject of this stipulation will be referred to collectively as the "CONFIDENTIAL  
9 INFORMATION." The parties and their respective counsel hereby stipulate that the  
10 CONFIDENTIAL INFORMATION shall be used in this litigation as follows:

11 a. CONFIDENTIAL INFORMATION shall be used solely in  
12 connection with this litigation and the preparation of this case, or  
13 any related appellate proceeding, and not for any other purpose,  
14 including any other litigation or administrative proceedings.  
15 **Further, Plaintiff's counsel is expressly prohibited from**  
16 **disclosing any CONFIDENTIAL INFORMATION (either the**  
17 **documents or deposition testimony themselves, or any**  
18 **information contained therein) to either Plaintiff Cheryl Perez**  
19 **or any attorney representing Plaintiff in any other litigation**  
20 **besides this one.**

21 b. CONFIDENTIAL INFORMATION produced in this action may be  
22 designated by Defendants by marking each page of the document(s)  
23 with a stamp stating "CONFIDENTIAL". Should Plaintiff seek  
24 any CONFIDENTIAL INFORMATION from sources other than  
25 through Defendant's counsel, Plaintiff must provide Defendants  
26 with written notice of their intent to do so no later than ten days  
27 prior to seeking such documents. This notice shall include the  
28 name, address, and telephone number of the person or entity from

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

whom Plaintiff seeks such CONFIDENTIAL INFORMATION, and a detailed description of any documents or information sought. Should the CONFIDENTIAL INFORMATION be sought through a subpoena, timely service of the subpoena itself on Defendants' counsel shall constitute sufficient written notice. Plaintiff agrees that the first review of documents or information obtained in this manner shall be in the joint presence of both Plaintiff's counsel and Defendants' counsel, and that Defendants may mark the documents and/or testimony as "CONFIDENTIAL" in accordance with the procedures outlined herein. This subsection does not modify or alter any requirements under the Local Rules or the Federal Rules of Civil Procedure, or preclude Defendants from seeking a protective order prior to the production of any CONFIDENTIAL INFORMATION.

- c. Testimony taken at a deposition, conference, hearing, or trial may be designated as confidential by making a statement to that effect on the record at the deposition or other proceeding. Arrangements shall be made with the court reporter taking and transcribing such proceeding to separately bind such portions of the transcript containing information designated as confidential, and to label such portions appropriately.
- d. At any time after receipt of documents labeled "CONFIDENTIAL," Plaintiff may provide Defendants with a written objection to the classification of specific documents as "CONFIDENTIAL" and the basis for Plaintiff's objection. Upon receipt of such written objection, the Defendants shall provide a written response to Plaintiff within three business days. If the Defendants do not agree with the position of Plaintiff, the Plaintiff shall have the option of

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

proceeding with a discovery motion, pursuant to Local Rule 37 *et seq.*, contesting the confidential nature of the disputed documents. The parties shall comply with the meet and confer requirements of Local 37 *et seq.* prior to the filing of any such motion. The Defendants shall bear the burden of establishing the confidential nature of the disputed documents.

- e. Under no circumstances shall the CONFIDENTIAL INFORMATION, or the information contained therein, be retained, compiled, stored, used as a database, or disseminated, in any form, except for purposes of this litigated matter in accordance with this Protective Order or by further order of the Court.
- f. Defendants reserve all evidentiary objections, including but not limited to the following objections: on grounds that particular documents are CONFIDENTIAL by the attorney-client privilege and/or the attorney work product doctrine; official information privilege; are not likely to lead to the discovery of admissible evidence, and as such are not relevant to the causes of action raised by this lawsuit under Federal Rules of Civil Procedure, Rule 26(a)(1)(A)(B); and all remedies under the code, including the right to recess the deposition to bring a protective order before the Court.
- g. Plaintiff reserves all rights and remedies under the Federal Rules of Civil Procedure and the Federal Rules of Evidence pertaining to discovery.
- h. CONFIDENTIAL INFORMATION and the information contained therein may not be disclosed, except as set forth in paragraph 2(i) below.
- i. CONFIDENTIAL INFORMATION may only be disclosed to the following persons:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- i. Counsel for Plaintiff in this litigation only.
- ii. City of Pomona and counsel for City of Pomona in this litigation only.
- iii. Paralegal, law clerk, stenographic, clerical, and secretarial personnel regularly employed by counsel referred to in paragraph 2(i)(i) above.
- iv. Court personnel, including stenographic reporters, necessary for the preparation and processing of this action.
- v. Any expert or consultant retained in the instant case.
- vi. Any individual approved by the Court.
- j. CONFIDENTIAL INFORMATION shall not be divulged to any other person or entities, including the print, radio, television, or any 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

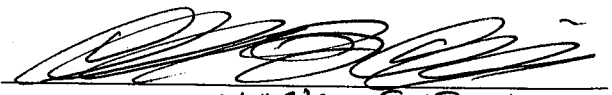


1 absent consent, by application to this Court.

2 **IT IS SO ORDERED.**

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DATED: 11/9/15



~~CHARLES F. EICK~~  
~~Honorable Christina A. Snyder~~  
~~Judge of the United States District Court~~  
~~UNITED STATES DISTRICT COURT~~