

1 **Tomas A. Guterres, Esq. (State Bar No. 152729)**
Audra C. Call, Esq. (State Bar No. 252804)
2 **Carl B. Arias, Esq. (State Bar No. 205068)**
3 **COLLINS COLLINS MUIR + STEWART LLP**
1100 El Centro Street
4 **South Pasadena, CA 91030**
5 **(626) 243-1100 – FAX (626) 243-1111**
Email: acall@ccmslaw.com
6 **Email: carias@ccmslaw.com**

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8 Attorneys for Defendants COUNTY OF VENTURA, OFFICE OF THE VENTURA
9 COUNTY DISTRICT ATTORNEY, VENTURA COUNTY SHERIFF’S
10 DEPARTMENT and RICHARD RODRIGUEZ

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

| | | | |
|----|------------------------------------|---|----------------------------------------------------|
| 13 | MICHAEL RAY HANLINE, |) | CASE NO. 2:15-cv-08808-VAP (AJWx) |
| 14 | |) | <i>[Assigned to the Hon. Virginia A. Phillips,</i> |
| 15 | Plaintiff, |) | <i>Courtroom 8A, 8th Floor]</i> |
| 16 | |) | |
| 17 | vs. |) | [PROPOSED] ORDER TO PROTECT |
| 18 | |) | CONFIDENTIAL INFORMATION |
| 19 | COUNTY OF VENTURA, OFFICE |) | |
| 20 | OF THE VENTURA COUNTY |) | |
| 21 | DISTRICT ATTORNEY; VENTURA |) | Complaint Filed: 11/12/2015 |
| 22 | COUNTY SHERIFF’S |) | |
| 23 | DEPARTMENT; LOUIS |) | Trial Date: October 3, 2017 |
| 24 | SAMONSKY; RICHARD |) | |
| 25 | RODRIGUEZ; CHARLOTTE |) | |
| 26 | McCOY, as Successor in Interest to |) | |
| 27 | MARTIN McCOY; and DOES 1-10 |) | |
| 28 | INCLUSIVE, |) | |
| | |) | |
| | Defendant. |) | |
| | |) | |

26 Based upon the stipulation of the parties and GOOD CAUSE APPEARING,
27 IT IS ORDERED THAT pursuant to Federal Rules of Civil Procedure Rule 26(c),

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

File No. 19659

1 the following information is protected and precluded from publication as follows:

2 1. Information contained in the personnel files of MARTIN
3 McCOY and
4 RICHARD RODRIGUEZ which is confidential and has not been made public,
5 including, but not limited to, any and all citizen's complaints and/or complaints,
6 reviews, or discipline initiated by other law enforcement personnel and any training
7 records.

8 2. Good cause exists for issuance of a protective order pursuant to
9 Federal
10 Rule of Civil Procedure Rule 26(c) to facilitate the production of documents and
11 information responsive to the discovery requests of Plaintiff and to balance the
12 privacy interests and protection of information afforded to law enforcement officers
13 in the state of California including MARTIN McCOY and RICHARD
14 RODRIGUEZ that DEFENDANTS contend is statutorily deemed confidential and
15 protected by California Evidence Code section 1040 *et seq.*, the privilege for official
16 information (*Sanchez v. City of Santa Ana*, 936 F.2d 1027, 1033 (9th Cir. 1990)),
17 California Penal Code section 832.5 *et seq.*, and California Evidence Code sections
18 1043 and 1045. Good cause further exists because if this confidential information
19 were made public in this proceeding, it could allow for misuse of the peace officer
20 personnel information and other official information in other judicial and
21 administrative proceedings.

22 IT IS FURTHER ORDERED THAT:

23 3. The information and/or documentation referred to in Paragraph 1 above will
24 be referred to as the "CONFIDENTIAL INFORMATION." The Court orders that
25 the CONFIDENTIAL INFORMATION be released to PLAINTIFF's counsel for
26 purposes of litigation in this matter. The parties and their respective counsel hereby
27 stipulate that the CONFIDENTIAL INFORMATION shall be used in this litigation
as follows:

28 *File No.* 19659

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- a. CONFIDENTIAL INFORMATION shall be used solely in connection with this litigation and the preparation of this case, or any related appellate proceeding, and not for any other purpose, including any other litigation or administrative proceedings. Further, PLAINTIFF’s Counsel agrees that the designated personnel files shall not be shared with, or provided to PLAINTIFF and/or any other unauthorized persons and is being provided under an “attorneys’ eyes only” provision.
- b. CONFIDENTIAL INFORMATION produced in this action may be designated by DEFENDANTS by marking each page of the document(s) with a stamp stating “CONFIDENTIAL Subject to Protective Order”.
- 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 and shall be treated the same as CONFIDENTIAL INFORMATION.
- d. At any time after receipt of documents labeled “CONFIDENTIAL Subject to Protective Order,” 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

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not agree with the position of PLAINTIFF, the PLAINTIFF shall have the option of 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 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 4(i) below.

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- i. CONFIDENTIAL INFORMATION may only be disclosed to the following persons:
 - i. Counsel for PLAINTIFF.
 - ii. Paralegal, law clerk, stenographic, clerical, and secretarial personnel regularly employed by counsel referred to in paragraph 4(i)(i) above.
 - iii. Court personnel, including stenographic reporters, necessary for the preparation and processing of this action.
 - iv. Any expert or consultant retained in the instant case.
 - v. 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 filed under seal until further order of the Court.
- 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 4(e) is intended to prevent authorized government officials for the County of Los Angeles from having

1 access to the documents if they had access in the normal course of
2 their job duties.

3 4. PLAINTIFF, PLAINTIFF's Counsel, DEFENDANTS, and
4 DEFENDANTS' Counsel shall cause the substance of this Protective Order to be
5 communicated to each person to whom CONFIDENTIAL INFORMATION is
6 revealed and/or disseminated and shall obtain agreement to abide by the Protective
7 Order from each such person.

8 5. After completion of the judicial process in this case, including any
9 appeals or other termination of this litigation, all CONFIDENTIAL
10 INFORMATION received under the provisions of this Order and copies thereof
11 shall be destroyed or returned to the attorneys of record for DEFENDANTS, Collins
12 Collins Muir + Stewart LLP, 1100 El Centro Street, South Pasadena, CA 91030. This
13 case shall be completed when (i) a final judgment has been entered by the Court or
14 the case has otherwise been dismissed with prejudice; (ii) the time for any objection
15 to or request for reconsideration of such a judgment or dismissal has expired; (iii) all
16 available appeals have concluded or the time for such appeals has expired; and (iv)
17 any post appeal proceedings have themselves concluded. The provisions of this
18 Order shall be in effect until further order of this Court.

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

24 7. Provisions of this Order insofar as they restrict disclosure and the use
25 of material shall be in effect until further order of this Court.

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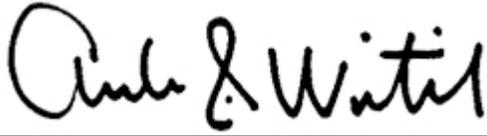
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8. For good cause, any party may seek a modification of this Order, by first attempting to obtain the consent of the other parties to such modification, and then, absent consent, by application to this Court.

IT IS SO ORDERED.

DATED: March 10, 2017



Hon. Andrew J. Wistrich
United States Magistrate Judge