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 7 Attorneys for Defendants CITY OF HERMOSA BEACH,  
 HERMOSA BEACH POLICE DEPARTMENT, TOM  
 8 BAKALY, and SHARON PAPA

9 UNITED STATES DISTRICT COURT  
 10 CENTRAL DISTRICT OF CALIFORNIA - WESTERN

11 DONOVAN SELLAN,  
 12 Plaintiff,  
 13 v.

Case No.: 2:16-cv-07706-FMO (ASx)  
 Complaint Filed: September 14, 2016  
 FAC Filed: November 29, 2016

14 CITY OF HERMOSA BEACH, a  
 Municipal Corporation; HERMOSA  
 15 BEACH POLICE DEPARTMENT,  
 a public safety department; TOM  
 16 BAKALY, City Manager, in his  
 official capacity; SHARON PAPA,  
 17 Chief of Police, in her official  
 capacity; and DOES I-X, inclusive,  
 18 Defendants.

**~~PROPOSED~~ ORDER RE:  
 STIPULATION RE: PROTECTIVE  
 ORDER**  
 Trial Date: December 5, 2017  
 Final Pretrial Conf.: November 17, 2015  
 Discovery Cut-Off: May 19, 2017

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 20 Plaintiff Donovan Sellan (“Plaintiff”) and Defendants City of Hermosa  
 21 Beach (“City”), Hermosa Beach Police Department (“Department”), Tom Bakaly  
 22 (“Bakaly”) and Sharon Papa (“Papa”) (collectively “Defendants”), by and through  
 23 their respective counsel, hereby enter into the following stipulation:

24 WHEREAS, this case involves, among other things, allegations that Plaintiff  
 25 was denied promotions and special assignments and/or otherwise experienced  
 26 retaliation for filing various grievances and complaints, including a complaint  
 27 alleging misconduct by another Hermosa Beach Police Officer;

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1           WHEREAS, Plaintiff alleges that Defendants violated his rights under 42  
2 U.S.C. § 1983, California Government Code § 3300 et seq., and California Labor  
3 Code § 1102.5, and Defendants deny Plaintiffs’ allegations;

4           WHEREAS, Plaintiff has served Defendants with at least 455 demands for  
5 production of documents under the compulsion of the Federal Rules of Civil  
6 Procedure;

7           WHEREAS, among other things, Plaintiff has requested copies of all emails  
8 he sent or received from January 1, 2012 to the present (and in some cases, over a  
9 longer time period), as well as copies of emails between the following current or  
10 former City employees concerning Plaintiff’s employment and/or various claims:  
11 Sharon Papa, Tom Bakaly, Milton McKinnon, Thomas Thompson, Landon Phillips,  
12 Chris Alkadis, Garth Gaines, Dorothy Scheid, Mik Gaglia, Gerritt Poelstra, Monica  
13 Bagnara, and Sharon Stine;

14           WHEREAS, the City contends that it has located approximately 30,000  
15 emails that have been or will be searched through for responsiveness to Plaintiffs’  
16 document demands, and Defendant further contends that some emails, including  
17 emails sent to or from Plaintiff’s own City email account, contain private,  
18 confidential or otherwise privileged information (e.g., personnel information  
19 concerning third party peace officers; information concerning crime victims and  
20 alleged criminal subjects, including names, addresses, social security numbers,  
21 driver’s license numbers, etc.; information concerning active or otherwise  
22 confidential criminal and/or administrative investigations; communications with  
23 City attorneys or communications with elected officials that may be privileged  
24 under the attorney-client privileged, the Ralph M. Brown Act or other applicable  
25 law);

26           WHEREAS, the City contends that because of the nature of Plaintiff’s job  
27 some of the emails in his City email account contain private, confidential or  
28 otherwise privileged information (e.g., information concerning criminal or

1 administrative investigations, information concerning crime victims and suspects,  
2 communications with City attorneys, etc.) that Defendants contend cannot and  
3 should not be disclosed to third parties;

4 WHEREAS, the City contends that its review of the emails requested by  
5 Plaintiff in this litigation for possible redaction, including emails sent to or from  
6 Plaintiff's City email account, has been time consuming, expensive, overly  
7 burdensome and oppressive;

8 WHEREAS, in order to expedite production of documents to Plaintiff, the  
9 City will agree to produce to Plaintiff copies of all responsive emails, sent to  
10 Plaintiff or received from Plaintiff at his City email address (i.e.,  
11 dsellan@hermosapolice.org), from any person for the period of January 1, 2012  
12 through March 16, 2017, including but not limited to Donovan Sellan (i.e.,  
13 donovan.sellan@laimpact.com, donovan.m.sellan@usdoj.gov, and  
14 dsellan@yahoo.com), Sharon Papa, Tom Bakaly, Milton McKinnon, Thomas  
15 Thompson, Landon Phillips, Chris Alkadis, Garth Gaines, Dorothy Scheid, Mik  
16 Gaglia, Gerritt Poelstra, Monica Bagnara, Ashley Koger and/or Sharon Stine, if any  
17 exist, without redaction (other than attorney-client communications) provided that  
18 an appropriate protective order issues which addresses Defendants' concerns about  
19 private, confidential and otherwise privileged information that may be contained in  
20 emails contained in Plaintiff's City email account; and

21 WHEREAS, Defendants and Plaintiff contend that good cause exists for the  
22 Court to grant a protective order under Rule 26(c)(1) of the Federal Rules of Civil  
23 Procedure under the terms described below.

24 IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN THE  
25 PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

26 1. Defendant will produce copies of all emails sent to or from Plaintiff's  
27 City email address (i.e., dsellan@hermosapolice.org) from January 1, 2012 through  
28 March 16, 2017, without review or redaction by Defendants' counsel within 2

1 business days of the Court notifying the Parties that it has granted this order;  
2 2. Plaintiff, his counsel and/or representatives may only use the emails  
3 produced by the City from Plaintiff's City email account in this litigation, and  
4 before using any such email in this litigation in a public setting, e.g., using the  
5 email as an exhibit to a deposition, motion or discovery request or at trial,  
6 Plaintiff's counsel must review the email and redact all private, confidential, or  
7 otherwise privileged information (e.g., personnel information concerning third party  
8 peace officers; information concerning crime victims and alleged criminal subjects,  
9 including names, addresses, social security numbers, driver's license numbers;  
10 information concerning active or otherwise confidential criminal and administrative  
11 investigations; communications with City attorneys; or communications with  
12 elected officials that may be privileged under the Ralph M. Brown Act). If  
13 Plaintiff's counsel is unsure whether redaction is required, he must seek  
14 clarification from Defendant's counsel or the Court. In the event that Defendants'  
15 counsel believes Plaintiff has failed to properly redact an email produced under this  
16 protective order, Defendants counsel shall either notify Plaintiff's counsel, at which  
17 time Plaintiff's counsel must either redact the document properly or agree to the  
18 tentative use pending the Court review of Defendants' concern, or seek relief from  
19 the Court.

20 3. Disclosure of emails between Plaintiff and any attorney working for  
21 the City shall not constitute a waiver of the City's attorney-client privilege, even if  
22 Plaintiff uses the document publicly without properly redacting privileged  
23 information.

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