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

MAURICE LALLEMAND

Plaintiff,

vs.

COUNTY OF LOS ANGELES, JIM
MCDONNELL, UNGREY
HOLIFIELD, TAWNIA ROJAS,
ERNESTO VALENCIA, ANDREW
HAGEWOOD, MATTHEW
VANDERHORCK, ALLEN
CASTELLANO AND DOES 1
THROUGH 10,

Defendants.

Case No.: CV17-00781 JAK (SSx)

**STIPULATED PROTECTIVE
ORDER RE PLAINTIFF'S
PROTECTED HEALTH
INFORMATION ("PHI")**

Assigned for all purposes:
Hon. John A. Kronstadt

***Discovery matter**

Note Changes Made By Court

TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF
RECORD, NOTICE IS HEREBY GIVEN THAT: Plaintiff and Defendants, by and
through their respective counsel of record, conferred regarding the discovery of
documents and things in the above entitled case and stipulated and agreed that this
discovery in this case will involve production of individually identifiable medical,

1 physical and mental health diagnostic, counseling, treatment and billing information,
2 including but not limited to, protected health information as defined by 45 CFR §
3 160.103 – for which federal law provides special protection from public disclosure
4 and from use for any purpose other than prosecuting this litigation may be warranted
5 (herein after “Confidential Materials”). Therefore, the parties hereby stipulate to and
6 petition the Court to enter the following Stipulated Protective Order. The parties
7 acknowledge that this Order does not confer blanket protections on all disclosures or
8 responses to discovery and that the protection it affords from public disclosure and
9 use extends only to the limited information or items that are entitled to confidential
10 treatment under the applicable legal principles.

11 Accordingly, to expedite the flow of information, to facilitate the prompt
12 resolution of disputes over confidentiality of discovery materials, to adequately
13 protect information the parties are entitled to keep confidential, to ensure that the
14 parties are permitted reasonable necessary uses of such material in preparation for
15 and in the conduct of trial, to address their handling at the end of the litigation, and
16 serve the ends of justice, a protective order for the Confidential Materials is justified
17 in this matter. It is the intent of the parties that information will not be designated as
18 confidential for tactical reasons and that nothing be so designated without a good
19 faith belief that it has been maintained in a confidential, non-public manner, and
20 there is good cause why it should not be part of the public record of this case.

21 Upon the foregoing reasons, the Court finds good cause exists to grant the
22 following Protective Order the terms of which shall govern the Confidential
23 Materials in this matter:

24 A. For purposes of this Order, Confidential Materials include, but are not
25 limited to:

26 1. Plaintiff’s individually identifiable medical, physical and mental health
27 diagnostic, counseling, treatment and billing information, including but not limited
28 to, protected health information as defined by 45 CFR § 160.103.

1 2. Plaintiff’s personal and/or therapeutic notes, diary entries and/or journal
2 entries concerning or relating to item 1, herein above.

3 B. The confidentiality of documentation being provided pursuant to this
4 Protective Order will be accomplished by affixing to such document or writing a
5 legend, such as “Confidential,” “Confidential Documents,” “Confidential Material
6 Subject to Protective Order” or words of similar effect. The documents and writings
7 so designated, and all information derived therefrom (hereinafter, collectively,
8 “Confidential Information”), shall be treated in accordance with the terms of this
9 stipulation/protective order. The “Confidential” mark or watermark shall not obscure
10 the writings on the document’s legibility and shall not be repeated more than once
11 per page.

12 C. Confidential Information may be used by the persons receiving such
13 information only for the purpose of this above-captioned litigation.

14 D. The protections conferred by this Stipulation and Order cover not only
15 Protected Material (as defined above), but also (1) any information copied or
16 extracted from Protected Material; (2) all copies, excerpts, summaries, or
17 compilations of Protected Material; and (3) any testimony, conversations, or
18 presentations by Parties or their Counsel that might reveal Protected Material.

19 Any use of Protected Material at trial shall be governed by the orders of the
20 trial judge. This Order does not govern the use of Protected Material at trial.
21

22 E. Subject to the further conditions imposed by this protective order,
23 Confidential Information may be disclosed only to the following persons:

24 1. Counsel for the parties and to experts, investigators, paralegal assistants,
25 office clerks, secretaries and other such personnel working under their supervision;

26 2. Such other parties as may be agreed by written stipulation among the
27 parties hereto, or by Court Order.
28

1 is required, and the affected party shall, per their discretion, object to the request or
2 subpoena on the grounds of this stipulation/protective order, OR other grounds
3 and/or obtain an order barring production or other disclosure, or to otherwise respond
4 to the subpoena or other request for production or disclosure of Confidential
5 Material. No party shall be obligated to seek an order barring production of
6 Confidential Information, which obligation shall be borne by the party to whom to
7 the privileges apply. The duty is to notify. However, in no event should production
8 or disclosure be made without written approval by the affected party's counsel unless
9 required by Court Order arising from a motion to compel production or disclosure of
10 Confidential Information.

11 I. Any pleadings, motions, briefs, declarations, stipulations, exhibits or
12 other written submissions to the Court in this litigation, except at trial, with which
13 Confidential Information is included shall first be accompanied by an application,
14 pursuant to Local Rule 79-5.1, to request that the papers, or the confidential portion
15 thereof, be lodged under seal.

16 J. During discovery which could entail the discussion or disclosure of
17 Confidential Information, any party will have an opportunity to request that access to
18 the courtroom be limited to parties, their counsel and other designated representative,
19 experts or consultants who agreed to be bound by this protective order, and court
20 personnel.

21 K. Nothing herein shall prejudice any party's rights to object to the
22 introduction of any Confidential Information into evidence, on grounds including but
23 not limited to relevance and privilege.

24 L. This order does not prejudice any of the parties' rights to challenge the
25 designation of materials as confidential. In the event there is some "good faith"
26 disagreement as to whether certain documents and/or information provided by the
27 parties that were labeled as "confidential" should be treated as confidential, the
28 parties shall make informal attempts to resolve such issues.

1 M. Any violation of this Order may be punished by any and all appropriate
2 measures including, without limitation, contempt proceedings and/or monetary
3 sanctions.

4 N. The court shall maintain continuing jurisdiction over this matter to the
5 extent necessary to enforce the terms and /or address alleged breaches of this
6 protective order.

7
8 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

9
10 Dated: October 26, 2017

Dated: October 26, 2017

11 ORANGE LAW OFFICES, P.C.

LAWRENCE BEACH ALLEN
& CHOI, PC

12
13 /s/ - *Olu K. Orange*

/s/ - *Jin S. Choi*

14 _____
15 Olu K. Orange, Esq.
16 Attorney for Plaintiff

Jin S. Choi, Esq.
Attorney for Defendants

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18 **Pursuant to Local Rule 5-4.3.4 (a) (2) (i), the filer of this document attests that all*
19 *other signatories listed on whose behalf the filing is submitted concur in the filing's*
20 *content and have authorized the filing. /s/ - Olu k. Orange*

21 **FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.**

22
23 Dated: 10/30 , 2017

24
25 _____/S/ Suzanne H. Segal_____
26 U.S. MAGISTRATE JUDGE
27 HON. SUZANNE SEGAL
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