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8 **UNITED STATES DISTRICT COURT**
 9 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

10 JAVIER DE SANTIAGO-PEREZ) **Case No.: 2:17-cv-03790-CJC-JPR**
 11 Petitioner,)
 12 vs.) **JOINT**
) **STIPULATED**
 13 JEFFERSON B. SESSIONS III,) **PROTECTIVE ORDER**
 14 U.S. Attorney General,)
 Respondent.)
 15) The Honorable Jean P. Rosenbluth
 16)

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 18 The Court, having reviewed the parties' joint stipulated protective order,
 19 finds good cause for entering such an order. It is therefore ORDERED that the
 20 following procedures, to which the parties have agreed, shall govern this action
 21 and shall remain in effect beginning the date this order is issued through the
 22 conclusion of this action, including any appeals, unless modified by the Court:
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24 In the course of discovery, the parties anticipate producing documents
 25 containing personally identifiable information; that is, information the use of which

1 would allow the identification of the person to whom the information relates
2 (“PII”) relating to third parties not participating in this action. This PII may be
3 within various agency records, documents, and databases, some of which are in the
4 possession, custody, and control of Respondent, Respondent’s agents, and
5 Respondent’s counsel. Respondent agrees to produce to Petitioner certain
6 unprivileged, unredacted records relating to Petitioner and (where appropriate)
7 third-parties, subject to entry of this protective order, in accordance with the
8 Privacy Act of 1974, 5 U.S.C. § 552a, to which the parties have stipulated.
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11 At the request of counsel for Petitioner and Respondent (“the parties”), and
12 in accordance with the terms of this Privacy Act protective order, under 5 U.S.C.
13 § 552a(b)(11), Respondent is authorized to release to Petitioner, Petitioner’s
14 counsel, and the Court in this case, discovery containing unredacted PII of third
15 parties, without obtaining prior written consent of third parties whose names,
16 addresses, birth dates, and other PII may be present in such documents. Such
17 disclosure is subject to the following conditions:
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20 1. The parties agree that this protective order will govern all documents,
21 including alien registration files (“A files”), law enforcement reports, probation
22 and pre-sentencing reports, and any other discovery that contains Privacy Act
23 material, as well as any copies or summaries made thereof and any information
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1 derived therefrom, including any materials produced in discovery or will be
2 produced through any further discovery taken in this case.

3 2. The parties anticipate that records to be provided by the federal
4 Government will contain PII, including but not limited to: third-party names,
5 addresses, birth dates, social security numbers, alien numbers, and other
6 identifying information. Such PII shall be deemed confidential and protected by
7 this protective order and may be used by non-Government recipients solely for
8 purposes of (and may not be disclosed outside of) this litigation, as further
9 addressed below.
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12 3. The parties also anticipate that records to be provided by the federal
13 Government may contain law-enforcement-sensitive materials (“LES materials”);
14 that is, materials which Respondent may believe are protected by the law
15 enforcement privilege and/or contain sensitive or confidential matters which would
16 jeopardize law enforcement objectives and law enforcement techniques if disclosed
17 to the general public, such as investigative reports and other information.
18 Respondent is authorized to disclose LES materials to Petitioner, subject to this
19 protective order. Any LES materials disclosed to Petitioner shall be deemed
20 confidential and protected by this protective order, may not be disclosed other than
21 as provided in this protective order, and may be used solely for purposes of this
22 litigation, as further addressed below.
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1 4. Protected information, defined to include all materials referenced in
2 paragraphs 1-3 of this protective order, may be disclosed only to the following
3 persons and only to the extent necessary for the prosecution or defense of this
4 action:

5 (a) Counsel for Petitioner, Petitioner, counsel for Respondent,
6 Respondent, and any support staff (including any interpreters or translators)
7 of such counsel assisting in this action;
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9 (b) This Court and its personnel, including court reporters;
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11 (c) Individuals whose testimony is contemplated or actually taken in
12 this action and their counsel, but only to the extent necessary to elicit
13 testimony concerning the subject matter or authenticity of information or
14 records produced subject to this protective order;
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16 (d) Expert witnesses, consultants, retained by Petitioner or
17 Respondent for purposes of this proceeding;

18 (e) The author of the document or the original source of the
19 information; and
20

21 (f) Any Court of Appeals and its personnel, in the event of an appeal.

22 5. All persons listed in Paragraph 4(a) above to whom protected
23 information is disclosed are hereby prohibited from disclosing to, or otherwise
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1 discussing with, any person other than those listed in 4(b)-(f) above, any protected
2 information, except as provided in this protective order.

3 6. All persons listed in Paragraphs 4(c) and (d) above, to whom
4 protected information is disclosed, shall first be required to read this protective
5 order and sign a copy of the acknowledgment form, attached as Exhibit A,
6 agreeing to be bound thereby. The signed acknowledgment forms shall be
7 maintained by Petitioner's counsel or Respondent's counsel.
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9 7. To the extent that third-party PII, or PII about a witness (including
10 information concerning, for instance, medical information, personnel information,
11 or information which, if it had been in a written record, would be covered by the
12 Privacy Act), is discussed in the course of a deposition, such confidential
13 information must be designated as such by indicating on the record at the
14 deposition. Before attaching to pleadings or otherwise submitting to the Court any
15 portions of a deposition transcript containing information designated as
16 confidential, the parties shall either redact the confidential information or seek
17 permission to file it under seal, unless a release is obtained from the individual to
18 whom the identifying information pertains, authorizing the disclosure of such
19 information without these protections. Additionally, such information shall not be
20 disclosed outside of this litigation except as provided by this protective order.
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1 8. Nothing in this protective order impedes the rights of any party to
2 assert, and/or object to, a claim of any privilege, or to redact those portions of any
3 materials which the party may believe are privileged from disclosure. In the case
4 of any such redactions, the producing party shall identify the location of and basis
5 for any redactions in a privilege log disclosed to the other party. If either party
6 believes that any materials were improperly redacted, the parties shall first confer
7 in good faith, and if the conferral process is unsuccessful, may apply to the Court
8 for assistance resolving any such disagreement, in accordance with this Court's
9 rules.
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12 9. Under Federal Rule of Evidence 502, the parties agree, and this Court
13 orders, that inadvertent disclosure of any document or any other information
14 during the pendency of this case shall be without prejudice to any claims that any
15 or all such material is confidential, privileged, or otherwise protected from
16 discovery within the meaning of Federal Rule of Civil Procedure 26, or any
17 relevant law, and no party to this protective order shall be held to have waived or
18 forfeited any rights by such inadvertent disclosure. Any document or information
19 so produced and subject to any subsequent claim of privilege, work-product or any
20 other protection whatsoever, including protection under this protective order, shall
21 be returned promptly to the requesting party, and such document or information
22 shall not be introduced into evidence in this or any other proceeding by any person
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1 without either (i) the consent of the party, or (ii) order of this Court. Nor will such
2 document or information be subject to production (other than in camera) in any
3 proceeding by virtue of the fact that it was inadvertently produced in this
4 proceeding.

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6 10. Within thirty (30) days of the final conclusion of this litigation,
7 including any appeals, Petitioner's counsel shall collect all documents produced
8 under this protective order that contain third-party PII or LES materials, as well as
9 any copies thereof, or any information and notes derived therefrom, and shall
10 return – without demand – such documents to Respondent's counsel.
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12 Alternatively, Petitioner's counsel shall destroy the documents by shredding them
13 and provide Respondent's counsel with verification of destruction within thirty
14 (30) days of the final conclusion of this litigation, including any appeals.
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16 11. Nothing in this protective order restricts the use by any party of the
17 party's own information, documents, or materials.

18 12. Nothing in this protective order restricts a party's right to use
19 information, documents, or materials obtained other than through discovery.
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21 13. Nothing in this agreement restricts the right of any party to seek
22 additional protection against the disclosure of documents or materials.
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1 14. Any disclosure of information, documents, and materials related to a
2 third party who has executed a Privacy Act waiver shall be governed by the terms
3 of the Privacy Act waiver executed by the third party.

4 15. Any party may apply to this Court at any time, upon proper notice and
5 conferral as required by the rules of this Court, for a modification of this protective
6 order.
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8 16. This protective order shall be binding upon any present and future
9 party and counsel in this civil action and any appeals.
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13 DATED: January 9, 2018



14 HON. JEAN P. ROSENBLUTH
15 U.S. MAGISTRATE JUDGE
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1 **EXHIBIT A**

2 **ACKNOWLEDGEMENT AND AGREEMENT**

3 I, _____, [print or type full name],
4 of _____ [print or type full
5 address], declare under penalty of perjury that I have read in its entirety and
6 understand the Joint Stipulated Protective Order that was issued by the U.S.
7 District Court for the Central District of California in the case *Javier de Santiago-*
8 *Perez v. Sessions*, No. 2:17-cv-03790-CJC-JPR, and I agree to comply with and to
9 be bound by all the terms of this order. I understand and acknowledge that failure
10 to do so could expose me to sanctions in the nature of contempt. I solemnly
11 promise that I will not disclose in any manner any information or item subject to
12 this order to any person or entity except in strict compliance with the provisions of
13 this order.

14 I further agree to submit to the jurisdiction of the United States District
15 Court for the Central District of California for purpose of enforcing the terms of
16 this order, even if such enforcement proceedings occur after termination of this
17 action.

18 I hereby appoint _____ [print or type full name], of
19 _____ [full address and telephone number] as my
20 agent for service of process in connection with this action or any proceedings
21 related to enforcement of this order.

22 Date: _____

23 City and State where sworn and signed: _____

24 Printed Name: _____

25 Signature: _____