



1 of Documents, Set One, No. 23 and Special Interrogatories, Set One, Nos. 3&4 are  
2 designated by the parties and this Court as “confidential material” which shall be  
3 used solely in connection with the preparation and trial of the within case, Case No.  
4 EDCV 08-595-LLP (SSx) or any related appellate proceeding, and not for any other  
5 purpose, including any other litigation, except as otherwise permitted by written  
6 agreement of counsel for the parties or by order of a Court of competent jurisdiction.  
7 Any “confidential material” produced by Defendants or used in this litigation will be  
8 stamped or otherwise marked in a conspicuous location prior to the production or use  
9 of the document in this litigation as follows:  
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13 **“CONFIDENTIAL MATERIAL BY STIPULATION**  
14 **OF THE PARTIES SUBJECT TO PROTECTIVE**  
15 **ORDER, Case No. EDCV 08-595-LLP (SSx)”**

16 2. All documents and information identified in Paragraph 3 below which  
17 are being produced by Defendant County of Riverside in Response to Plaintiff Mark  
18 Perrin’s Request for Production of Documents, Set One, No. 23 and Special  
19 Interrogatories, Set One, Nos. 3&4 are being produced subject to and pursuant to this  
20 protective order and the July 22, 2010 Order of this Court as these documents  
21 contain private information of third parties to which Federal courts have recognized  
22 that third party individuals have a privacy interest in not having disclosed. See  
23 **DeArmand v. City of Antioch**, 2009 WL 1704686, at \*2 (N.D. Cal. 2009) (citing  
24 **Cook v. Yellow Freight Sys., Inc.**, 132 F.R.D. 548, 551 (E.D. Cal. 1990); **Soto v.**  
25 **City of Concord**, 162 F.R.D. 603, 616 (N.D. Cal. 1995)). However under federal  
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1 law, this Court has balanced the Plaintiff's need for the information against the  
2 privacy right asserted and has now ordered the production of said documents and  
3 information. **Id.**

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5 3. The following documents and information produced by Defendants  
6 COUNTY in Response to Plaintiff Mark Perrin's Request for Production of  
7 Documents, Set One, No. 23 and Special Interrogatories, Set One, Nos. 3&4 are to  
8 be designated as "confidential material" by the parties and pursuant to the agreement  
9 and stipulation of the counsel for the parties are being produced subject to and as a  
10 result of this protective order and the July 22, 2010 Order of this Court:  
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13 (a) Legible copies of each and every crime and arrest report wherein  
14 defendants Hoxmier and Goodrich alleged themselves, together  
15 or individually, to be victims of Penal Code sections 148, 69, 243  
16 and 245, for a period of five years prior to Plaintiff Mark Perrin's  
17 alleged incident which occurred on Martin Luther King Day  
18 January 19, 2004 in the City of Moreno Valley. (Request No. 23);  
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21 (b) The complete name, date of birth and current or last known  
22 address of the individual cited by defendant Goodrich at 10:44  
23 a.m., January 19, 2004. To the extent this information still exists  
24 or ever existed, the County may answer by providing a copy of  
25 the citation issued pursuant to FRCP 33. (Special Interrogatory  
26 No. 3); and,  
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1 (c) The name, date of birth and current or last known address and  
2 telephone number of the individual cited under No. 238545 by  
3 defendant Goodrich for allegedly violating V.C. §27007, October  
4 1, 1999. The County may answer by providing a copy of the  
5 citation issued pursuant to FRCP 33. (Special Interrogatory No.  
6 4).  
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9 4. The parties agree that the above referenced materials are sensitive and  
10 subject to certain privacy rights under both state and federal law and are deemed  
11 privileged under both state and federal law. Therefore, the parties agree that good  
12 cause exists for the issuance of this protective order, to protect the significant privacy  
13 rights of the parties herein and the third parties thereby effected.  
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15 5. Confidential and private material may not be disclosed except as  
16 provided in paragraph 6 herein.  
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18 6. Confidential and private material may be disclosed only to the following  
19 persons:  
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21 (a) Counsel for any party and any party to this litigation;

22 (b) Paralegal, stenographic, clerical, and secretarial personnel  
23 regularly employed by counsel referred to in Section 6(a);  
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25 (c) Court personnel and stenographic reporters engaged in such  
26 proceedings as are necessarily incidental to preparation for and  
27 trial of this action, or otherwise at the trial of this action;  
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1 (d) Any outside expert or consultant retained in connection with this  
2 action, and not otherwise regularly employed by the parties or  
3 their counsel;  
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5 (e) Any “in-house” expert designated by the parties to testify at trial  
6 in this matter; and  
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8 (f) Any investigators employed by the parties in connection with this  
9 action.  
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11 7. Nothing in paragraph 6 is intended to prevent officials or employees of  
12 the County of Riverside or other authorized governmental officials from having  
13 access to the documents and information if they would have had access in the normal  
14 course of their job duties.  
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16 8. Further, nothing in this order prevents a witness from disclosing events  
17 or activities personally known to him or her, that is, a witness can disclose to others  
18 information previously given to the Riverside County Sheriff’s Department with  
19 respect to what he or she saw, heard, or otherwise sensed.  
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21 9. Each person to whom disclosure is made, with the exception of those  
22 identified in paragraph 6 who are presumed to know the contents of this protective  
23 order, shall, prior to the time of disclosure, be provided a copy of this order by the  
24 person furnishing him/her such material, and shall agree on the record or in writing  
25 that he/she has read the protective order, and that he/she understands the provisions  
26 of the protective order. Such person also must consent in writing to be subject to the  
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1 jurisdiction of the United States District Court with respect to any proceeding  
2 relating to enforcement of this order, including after the termination of this action for  
3 purposes of enforcing the Protective Order. Unless made on the record in this  
4 litigation, counsel making the disclosure to any person described above shall retain  
5 the original executed copy of said agreement until final termination of this litigation.  
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8 10. If any information and/or documents which are the subject of this  
9 Protective Order are presented to this or any other court in any other manner prior to  
10 the time of trial, said information and/or documents shall be lodged under seal,  
11 pursuant to Local Rule 79-51, and with an appropriate application made to the Judge  
12 assigned and presiding over this matter, United States District Judge Lawrence L.  
13 Piersol, for lodging under seal, in an envelope clearly marked as follows:  
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16 **“CONFIDENTIAL AND MATERIAL SUBJECT TO A**  
17 **PROTECTIVE ORDER. CASE NO.: EDCV 08-595-**  
18 **LLP (SSx).”**

19 11. At the conclusion of the trial and of any appeal or upon termination of  
20 this litigation, all confidential material received under the provisions of this order  
21 (including any copies made and/or any computer materials made or stored) shall be  
22 tendered back to the attorneys of record for the County of Riverside. Provisions of  
23 this order insofar as they restrict the disclosure and use of the material shall be in  
24 effect until further order of this Court.  
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12. The foregoing is without prejudice to the right of any party:

- (a) To apply to the Court or to some court of competent jurisdiction, for a further protective order relating to confidential material or relating to discovery in this litigation;
- (b) To apply to the Court or to some court of competent jurisdiction, for an order removing the confidential material designation from any documents; and
- (c) To apply to the Court for an order modifying this order or for any order permitting disclosure of confidential material beyond the terms of this order.

13. In addition to the above and foregoing, nothing in this order prevents any of the parties to this action from referencing any materials deemed confidential under this order in any motion papers filed with the Court in this action, at the hearing of any motion, or at trial.

/S/

DATED: 8/3/10

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UNITED STATES MAGISTRATE JUDGE