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 PADILLA
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10 UNITED STATES DISTRICT COURT
 11 CENTRAL DISTRICT OF CALIFORNIA

12 THOMAS MACKEY,)	EDCV 09-01124 GW (SP)
)	
13 Plaintiff)	PROTECTIVE ORDER RE
)	CONTROL AND USE OF
14 v.)	CONFIDENTIAL PEACE OFFICER
)	RECORDS
15)	
16 DOUG WOLFE, GABRIEL PADILLA,)	[NOTE CHANGES MADE BY COURT]
)	
)	Honorable Magistrate Judge Sheri
18 Defendants)	Pym
)	
19)	
20)	

21 IT IS HEREBY STIPULATED by and between counsel of record for the
 22 parties that this Court issue a Protective Order regarding various
 23 information and discovery materials in the above-captioned case.

24 This case involves plaintiff Thomas Mackey ("Mackey")'s claim of
 25 excessive force against defendant deputies Gabriel Padilla and Doug
 26 Wolfe (together, "Defendants"). Mackey's action arises from his arrest in
 27 San Bernardino County by officers of the San Bernardino County Sheriff's
 28 Department pursuant to a murder warrant issued out of Kansas City,

1 Kansas.

2 Mackey has sought, by way of written discovery, certain confidential
3 information and records, which by Court Order of December 19, 2013, are
4 to be produced under a protective order. To prevent disclosure of
5 confidential information and records, the parties propose the following
6 protective order.

7 1. Documents and information ordered disclosed by Magistrate
8 Judge Sheri Pym on December 19, 2013, pursuant to this protective
9 order, including discovery responses, may be designated by page
10 numbers 1 to _____. Each document page shall be marked as follows:
11 “Confidential Material.”

12 2. Other than the Court (including court reporters, stenographic
13 reporters and videographers, and court personnel), the “Confidential
14 Material” (hereafter “Material”) may be disclosed to counsel in this action
15 and their staff, who will be made aware of this protective order. The
16 material may not be disclosed to Mackey or to any other person without
17 the prior written stipulation of Defendants or authorization from the Court.

18 3. The material shall be used solely in connection with this litigation
19 in the preparation and trial of this case, and not for any other litigation. To
20 the extent material that is a subject matter of this protective order is
21 disclosed at any deposition in this matter, it is subject to the terms of this
22 protective order. To the extent Mackey’s counsel seeks to use the
23 material at trial or public hearing in this action, it shall be filed under seal,
24 unless Defendants’ counsel agrees otherwise.

25 4. At the conclusion of the trial and of any appeal, or upon other
26 termination of this litigation, all material governed by the provisions of this
27 order (including any copies) shall all be returned to counsel for
28

1 Defendants.

2 5. The foregoing is without prejudice to the right of any parties:

3 a) to apply to the Court for a further protective order
4 relating to any confidential material, or relating to discovery in this
5 litigation;

6 b) to apply to the Court for an order removing the
7 "Confidential Material" designation from the document;

8 c) to apply to the Court for an order compelling production
9 of documents or modification of this order or for any order permitting
10 disclosure of confidential material beyond the terms of this order.

11
12 Dated: January 9, 2014

JEAN-RENE BASLE
County Counsel

13
14 s/James H. Thebeau
15 JAMES H. THEBEAU
16 Deputy County Counsel
17 Attorneys for Defendants

18 Dated: January 9, 2014

s/Kelly M. Raney
19 KELLY M. RANEY
20 Attorney for Plaintiff

21 **ORDER**

22 This Protective Order is granted as proposed by the parties, except for
23 the following modification, and the materials designated herein shall be
24 subject to all its terms and conditions. The last sentence of numbered
25 paragraph 3 as proposed by the parties is deleted and replaced with the
26 following sentences: To the extent Mackey's counsel seeks to use the
27 Material at a public hearing or in connection with a motion filed in this

1 action, counsel shall apply to file it under seal in accordance with Local
2 Rule 79-5.1, unless Defendants' counsel agrees otherwise. Procedures
3 for the use of the Material at trial must be taken up with the trial judge.

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DATED: January 13, 2014



UNITED STATES MAGISTRATE JUDGE
SHERI PYM