

Lewis Brisbois Bisgaard & Smith LLP

John M. Porter, SBN 62427

E-Mail: porter@lbbslaw.com

650 East Hospitality Lane, Suite 600

San Bernardino, California 92408

Telephone: (909) 387-1130

Facsimile: (909) 387-1138

NOTE CHANGES MADE BY THE COURT

Arias & Lockwood

Christopher D. Lockwood, SBN 110853

Email: Christopher.Lockwood@AriasLockwood.Com

225 W. Hospitality Lane, Suite 314

San Bernardino, CA 92408

Phone: (909) 890-0125

Fax: (909) 890-0185

Attorneys for Defendants County of Riverside, Robert Holt, B. Adams, Kimberly S. Carillo-Zazueta (named as Kimberly S. Zazueta), William Lineses, D. Flores, and F. Munguia

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

LOUIE AGUILAR, JR.,

Plaintiff,

vs.

COUNTY OF RIVERSIDE ET AL,

Defendants.

CASE NO. EDCV 13-00564-VBF
(AGR)

(PROPOSED) PROTECTIVE ORDER

~~Under California law, Penal Code § 832.7, Evidence Code § 1043-1047, California Constitution, article I, § 1 provide a privilege for personnel files and other files concerning law enforcement officers. Federal law recognizes state law privileges to the extent not inconsistent with federal law. FRE 501. Under federal law, these documents and information obtained from them are discoverable only if relevant to the issues to be litigated and only with a tightly drawn protective order. Doe v. City of San Diego, 2013 U.S. Dist. Lexis 35048 (S.D.Cal. 2013).~~

In order to protect the confidentiality of documents and information while still allowing necessary discovery, the court orders as follows:

1 1. Defendants may designate specific documents or specific types of
2 information as confidential. Any document and information so designated shall be
3 subject to the terms of this Protective Order. The documents so designated shall be
4 limited to documents which are covered by California Evidence Code § 1043-1047
5 and/or California Penal Code § 832.7, and/or California Constitution, Article I, § 1.

6 2. Absent a further stipulation or court order, any documents and information
7 designated as confidential shall not be conveyed, transferred, published, distributed,
8 copied, duplicated or disseminated except as follows:

9 (a) To Plaintiff.

10 (b) To attorneys licensed to practice in the State of California and to
11 recognized expert witnesses in law enforcement use of force cases, and their staff.

12 3. Prior to the dissemination of any such documents or information pursuant
13 to this Protective Order, Plaintiff shall inform such person of the terms
14 and conditions of this Protective Order and secure such person's agreement in
15 writing to be bound by it.

16 4. Plaintiff is allowed to view documents subject to this protective order
17 under the supervision of custody staff, but is not allowed to keep the documents in
18 his cell. Plaintiff is expressly prohibited from showing the documents to any other
19 inmate and is expressly prohibited from discussing the contents of the documents
20 with any other inmate. *except for inmates who are identified in the
documents produced by Defendants*

21 5. Plaintiff is precluded from using the documents or information obtained
22 from the documents except for the purposes of litigating the present lawsuit.

23 6. At the conclusion of this lawsuit, any documents provided pursuant to this
24 Protective Order shall be returned to counsel for Defendants.

25 7. Any document that has been designated as confidential pursuant to this
26 Protective Order shall be filed with the Court only with an application under Local
27 Civil Rule 79-5.1 to file it under seal, unless there has been a prior stipulation or
28 order designating the document as non-confidential. Any information obtained

1 from documents that have been designated as confidential pursuant to this
2 Protective Order shall be filed with the Court only with an application under Local
3 Civil Rule 79-5.1 to file it under seal, unless there has been a prior stipulation or
4 order designating the document as non-confidential.

5 8. The parties may stipulate that any document which was initially designated
6 as confidential and subject to this Protective Order is not confidential and not
7 subject to this Protective Order. If a stipulation cannot be reached, Plaintiff may
8 apply to the Court ~~in compliance with the requirements in Local Civil Rule 37~~ for
9 an order that a document which was designated as confidential and subject to this
10 Protective Order is not confidential and not subject to this Protective Order. Any
11 such application to the Court must be filed with an application under Local Civil
12 Rule 79-5.1 to file under seal any document or item of information designated as
13 confidential, with the contents not disclosed publicly, unless and until the Court
14 rules that the document is not subject to the Protective Order.

15 9. If Defendants believe that the provisions of this Protective Order have
16 been violated, Defendants may apply to the Court for an order seeking monetary
17 sanctions, evidence sanctions, or other appropriate relief.

18 10. This Protective Order shall survive the final termination of this action, to
19 the extent that the documents and information disclosed remain confidential and do
20 not become known to the public, and the Court shall retain jurisdiction to assess
21 monetary sanctions or other relief and to resolve any dispute concerning the use of
22 the documents and information disclosed pursuant to this Protective Order.

23 DATED: February 26, 2016

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26 United States Magistrate Judge
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