

1 MICHELLE D. BLAKEMORE (CA State Bar No. 110474)
 County Counsel
 2 KENNETH C. GREGORY (CA State Bar No. 224934)
 Deputy County Counsel
 3 Office of County Counsel
 385 North Arrowhead Avenue
 4 Fourth Floor
 San Bernardino, California 92415
 5 Telephone: (909) 387-4602
 Facsimile: (909) 387-4069
 6 E-Mail: kenneth.gregory@cc.sbcounty.gov

7 Attorneys for Defendants, Sheriff McMahon, in his official capacity only, and Deputies
 8 Musella, Landavazo, Ades, Short, Elder and Ruiz, each in their individual capacity only.

9
 10 UNITED STATES DISTRICT COURT
 11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

<p>12 JONATHAN WAYNE MUNDO, 13 Plaintiff, 14 15 v. 16 JOHN MCMAHON, et al., 17 Defendants.</p>	<p>ED Case No. CV 15-02511-AB (PLA) PROTECTIVE ORDER: USE OF FORCE REPORT</p>
---	---

18
 19
 20
 21
 22 Defendant Sheriff McMahon, in his official capacity only, submits the following
 23 stipulation and protective order in relation to plaintiff's request for production of
 24 documents seeking disclosure of privileged and confidential Sheriff's Department
 25 reports related to this case. Defendant claims the documents are protected by, *inter alia*,
 26 the official information privilege, attorney work product and attorney-client privileges.
 27 Pursuant to a court order filed on January 3, 2018, and in order to facilitate discovery
 28

1.
 PROTECTIVE ORDER:
 USE OF FORCE REPORT

1 while protecting defendants' interests:

2 1. This protective order applies to the Use of Force Report, approved by the
3 commander on July 12, 2012, and identified on defendants' privilege log as item #1.

4 2. Documents, records and information ("Confidential Material") disclosed
5 pursuant to this protective order, will be designated consecutively by page numbers
6 and each page will be marked "CONFIDENTIAL –UNLAWFUL TO DUPLICATE."

7 3. The Confidential Material may be disclosed to plaintiff MUNDO.
8 Excluding the Court (including court reporters, stenographic reporters and
9 videographers, and court personnel), the Confidential Material may not be provided to
10 any other person without the prior written stipulation of defendant or authorization
11 from the Court.

12 4. Disclosure to Plaintiff's designated expert requires Plaintiff to provide
13 defendants twenty-one (21) actual days of advanced notice in order for defendants to
14 draft an additional stipulated protective order, if required, or request a court order
15 further limiting disclosure.

16 5. The Confidential Material shall be used solely in connection with this
17 litigation and not for any other litigation. To the extent the Confidential Material is
18 disclosed at any deposition, it is subject to the terms of this protective order.

19 6. Each party shall take reasonable precaution to prevent the unauthorized or
20 inadvertent disclosure or any of the protected information or documents. Disclosure of
21 the Confidential Material pursuant to this protective order will not constitute a general
22 waiver by defendant(s) of the privileges asserted as to the Confidential Material or
23 related confidential material or records.

24 7. All documents subject to this Protective Order that are submitted to the
25 Court or used in any pretrial proceeding before this Court shall remain confidential and
26 shall be accorded *in camera* treatment.

27 8. The provisions of this Protective Order shall survive and remain in full
28

1 force and effect after the Entry of Final Judgment, including any appellate
2 proceedings) in this case, whether by settlement or litigation.

3 9. At the termination of this litigation, all Confidential Material governed by
4 the provisions of this protective order (including any copies) shall be returned to
5 counsel for defendant(s).

6 10. The Court shall retain jurisdiction, even after this lawsuit terminates,
7 (a) to make such amendments, modifications and additions to this Protective
8 Order as it may from time to time deem appropriate upon good cause shown and
9 (b) to adjudicate any dispute respecting improper use or disclosure of confidential
10 material.

11 11. This Protective Order may be executed in counterparts.

12

13 Dated: January 5, 2018

Signed: /s/ Kenneth C. Gregory

14

KENNETH C. GREGORY

15

Deputy County Counsel

16

Attorneys for Defendants, Sheriff McMahon, in
his official capacity only, and Deputies Musella,

17

Landavazo, Ades Short, Elder and Ruiz, each in
their individual capacity only

18

19

20

21 **IT IS SO ORDERED.**

22



23 Dated: January 9, 2018

~~US DISTRICT COURT JUDGE~~

24

Paul L. Abrams

25

United States Magistrate Judge

26

27

28