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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

CHARLENE GALARZA, Individually and
as ADMINISTRATOR OF THE ESTATE
OF JOSEPH ANTHONY GALARZA,
DECEASED,
Plaintiff,

vs.

CITY OF SANTA ANA; SANTA ANA
POLICE DEPARTMENT; DETECTIVE
JASON GARCIA; OFFICER ANDRADE;
DETECTIVE PARK; HUGO MAGALLON;
and DOES 1 to 10, inclusive,

Defendants.

Case No.: SACV10-01078 AG
(FFMx)

**[PROPOSED] PROTECTIVE
ORDER**

**NOTE CHANGES MADE BY
THE COURT.**

WHEREAS, the parties have met and conferred and wish to avoid a
protracted discovery dispute concerning the Orange County District Attorney’s
Investigative Report regarding this incident (hereinafter “OCDA Report”) and one
CD containing an audio-taped statement of Defendant DETECTIVE JASON
GARCIA (“statement”)(collectively “the records”) and have stipulated to the
following protective order as it relates to the records. This Court finds that good
cause exists to issue the following protective order for the records:

1 1. Counsel for the parties and retained consultants and/or experts shall
2 have sole custody and control over the records and produced by the City of Santa
3 Ana.

4 2. The records are deemed confidential, except to the extent set forth
5 within the Order and shall be used solely in connection with this litigation and the
6 preparation and trial of this case, or any related appellate proceedings, and not for
7 any other purpose, including any other litigation, and may not be disclosed or
8 disseminated to other persons, including any other counsel other than as set forth in
9 paragraph 5 herein.

10 3. Counsel for the parties alone will have custody, control and access to
11 the records and any audio recordings and photographs contained therein, and will be
12 prohibited from releasing or disseminating it, or the information contained therein to
13 other persons including legal counsel other than as set forth in paragraph 5 herein.

14 4. Counsel for the parties may make copies of the records and/or prepare
15 transcript of the information contained therein, but counsel will be prohibited from
16 releasing or disseminating such copies or the information contained therein other
17 than as set forth in paragraph 5 herein.

18 5. The records contained therein may be disclosed only in the preparation
19 and trial of this action, or any related appellate proceeding, subject to this stipulation
20 and only to the persons identified in sections a through e listed below. If
21 dissemination under this section occurs, the disclosure shall be accompanied with a
22 copy of this Protective Order and written instructions from counsel directing
23 compliance with same:

24 a. Counsel and law office personnel for any party to this action
25 including outside counsel assisting in the litigation of the matter;

26 b. Court personnel including stenographic reporters engaged in
27 such proceedings as are necessarily incident to preparation for trial in this action;

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1 c. Any outside expert or consultant specifically retained and
2 used in connection with this action;

3 d. Any "in-house" experts designated by the parties to testify at
4 trial in this matter:

5 e. Any party to this action, however, counsel will maintain custody
6 of the OCDA Report produced by the City of Santa Ana and no such copy will be
7 turned over to the possession of the individual parties.

8 6. If any portion of the records are necessary to support a motion filed in
9 this matter or for any reason to be filed with the Court, the parties will not file a
10 copy of any portion of the records and will instead lodge the document(s) subject to
11 the protective order with the Court as part of the Court's courtesy copy noting that
12 they are subject to a protective order by placing a paper in front of the documents
13 stating "SUBJECT TO PROTECTIVE ORDER." and will serve counsel with copies
14 of the documents noting that they are subject to a protective order by placing a paper
15 in front of the documents stating "SUBJECT TO PROTECTIVE ORDER."

16 7. Nothing in this Protective Order is intended to prevent officials or
17 employees of the City of Santa Ana or other authorized government officials from
18 having access to the documents as they would have had access in the normal course
19 of their job duties.

20 8. At the conclusion of the trial of any appeal, or upon other
21 termination of this litigation, the records produced by the City of Santa Ana
22 (including any copies made or transcripts of the recorded information) shall be
23 tendered back to the City of Santa Ana through its counsel.

24 9. Provisions of this Order shall be in effect until further order of the
25 Court or stipulation by counsel.

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10. Nothing herein applies to any trial proceedings herein. Any protective measures relating to confidential information should be taken up with the judicial officer conducting the trial.

IT IS SO ORDERED.

Dated: June 28, 2011

/S/ FREDERICK F. MUMM
United States Magistrate Judge