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NOTE: CHANGES MADE BY THE COURT

5 Attorneys for Defendants CITY OF
 6 ANAHEIM, CHIEF JOHN WELTER and
 DAN HURTADO

8 **UNITED STATES DISTRICT COURT**
 9 **CENTRAL DISTRICT OF CALIFORNIA**

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CAROLINE TONEYGAY, Z.J.-
 T.O.P., a Minor, by and through his
 Guardian ad Litem, MARLA
 OCHOA PEREZ,

Plaintiffs,

v.

CITY OF ANAHEIM, CHIEF JOHN
 WELTER, DAN HURTADO and
 DOES 1 THROUGH 10,

Defendants.

Case No.: SACV 14-00338 JVS (JPR)

Assigned to: Hon. James V. Selna
 Dept.: 10C

**STIPULATION AND PROTECTIVE
 ORDER RE CONFIDENTIAL
 INFORMATION**

Action Filed: March 5, 2014
 Trial Date: None set

1 The parties, Plaintiffs CAROLINE TONEYGAY, Z.J.-T.O.P., a Minor, by
2 and through his Guardian ad Litem, MARLA OCHOA PEREZ, and Defendants
3 CITY OF ANAHEIM, CHIEF JOHN WELTER, and DAN HURTADO
4 (“Defendants” or “City”) through their respective attorneys of record, agree that
5 the following protective order be issued in this matter pursuant to Rule 26(c)(7)
6 of the Federal Rules of Civil Procedure.

7 1. This Protective Order applies to and governs the use of law
8 enforcement investigative reports and records concerning the shooting of
9 decedent Martin Hernandez which are being produced to Plaintiffs by the City.
10 This Order shall also apply to and govern any other investigative or law
11 enforcement reports or records subsequently produced to Plaintiffs by the City
12 concerning the shooting of decedent Martin Hernandez or its aftermath
13 (hereinafter referred to as “Confidential Information”), including but not limited
14 to, reports or memoranda prepared by the Anaheim Police Department or the
15 Orange County District Attorney’s Office (OCDA). The OCDA investigation is
16 finished and will be produced by Defendants to Plaintiffs subject to the
17 protective order.

18 The term Confidential Information shall mean and include the documents
19 listed above, any and all portions thereof, and all documents of whatever kind
20 containing information set forth in or obtained from these documents.

21 2. Plaintiffs' counsel shall use the Confidential Information solely for
22 the purposes of this litigation, and shall not disclose any portion of the
23 Confidential Information to any other person, firm or corporation except:

24 A. Bona fide employees of counsel’s law offices, and then only to the
25 extent necessary to enable said persons to assist in litigation of this action;

26 B. Plaintiffs, but only to the extent deemed necessary by counsel for
27 the prosecution of this litigation;

28 C. Expert witnesses employed by the parties to this action;

1 D. Consultants retained by the parties to this action; or

2 E. The Court.

3 3. All persons described in paragraph 2 (a) through (d) above shall not
4 disclose any portion of said Confidential Information and shall not use any
5 information obtained therefrom except in conformance with this Protective Order
6 and for purposes of this litigation. Any party who discloses Confidential
7 Information to any person described in paragraph 2 (a) through (d) shall advise
8 such person that said matters constitute Confidential Information which may be
9 used only for the litigation of this action, and shall, prior to disclosure of the
10 Confidential Information, have such person execute a written Understanding and
11 Agreement to be bound by this Stipulation for Protective Order in the form
12 attached hereto as Exhibit 1.

13 4. Any deposition testimony that encompasses or concerns
14 Confidential Information shall be transcribed in a separate booklet that is marked
15 on its cover "Confidential: Do not Disclose by Court Order." In addition, any
16 documents containing Confidential Information that are submitted to the Court
17 shall be filed or lodged in a sealed envelope marked "Confidential: Subject to
18 Protective Order in conformance with Local Rule 79-5."

19 5. The attorneys for Plaintiffs are directed to retain all copies of
20 documents, notes, or summaries containing Confidential Information in their
21 custody, possession and control and to take the necessary precautions to prevent
22 persons not authorized as provided above from obtaining access to any such
23 Confidential Information.

24 6. Production of the Confidential Information protected by this
25 Stipulated Agreement and Order shall not constitute a waiver of any privileged or
26 confidentiality or privacy right. The parties retain the right to assert all
27 substantive objections to the Confidential Information, including but not limited
28 to, relevancy, hearsay, privacy, privilege, and Rule 403 of the Federal Rules of

1 Evidence.

2 7. At the conclusion of this action, all documents containing
3 Confidential Information, all copies and extracts thereof, with the exception of
4 those documents affected by the attorney work-product doctrine or attorney-
5 client privilege, shall be returned to counsel for the City. As to those documents
6 protected by the attorney work-product doctrine or attorney-client privilege,
7 Plaintiffs and their counsel agree that any and all such documents shall either be
8 redacted and returned to the City or shall be destroyed.

9 IT IS SO STIPULATED.

10 Dated: 12/30/2014

CRISTINA L. TALLEY, CITY ATTORNEY

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Bv: /s/ Moses W. Johnson, IV

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Moses W. Johnson, IV
Assistant City Attorney
Attorneys for Defendants
CITY OF ANAHEIM, CHIEF JOHN
WELTER and DAN HURTADO

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16 Dated: August 27, 2014

LAW OFFICES OF HUMBERTO GUIZAR

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Bv: /s/ Humberto Guizar

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Humberto Guizar, Esq.
Attorneys for Plaintiff
Z.J.-T.O.P., a Minor, by and through
his Guardia Ad Litem, Marla Ochoa
Perez

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22 Dated: August 14, 2014

CARRAZCI LAW, A.P.C.

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Bv: /s/ Angel Carrazco

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Angel Carrazco Jr., Esq.
Attorneys for Plaintiff
Caroline Toneygay

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IT IS SO ORDERED:



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Dated: January 7, 2015

HON. JEAN P. ROSENBLUTH
United States Magistrate Judge

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EXHIBIT 1
UNDERSTANDING AND AGREEMENT
PURSUANT TO PROTECTIVE ORDER

I have read the Stipulation and Protective Order in CAROLINE TONEYGAY et al. v. CITY OF ANAHEIM et al., Case No. SACV 14-00338 JVS (JPR), now pending in the United States District Court. I understand the Stipulation and agree to be bound by its terms.

DATED: _____

Bv: _____
SIGNATURE

PRINT NAME

ADDRESS

CITY, STATE, ZIP

<unsaved>