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

11 Daniel Smith,
 12 Plaintiff,
 13 v.
 14 City of Anaheim, a municipal entity,
 15 and DOES 1 through 10, inclusive,
 16 Defendant.

Case No.: SACV15-1776 CJC (DFMx)
 Assigned to: Hon. Cormac J. Carney
 Dept.: 9B
**PROTECTIVE ORDER RE
 CONFIDENTIAL INFORMATION**
 Action Filed: 10/30/2015
 Trial Date: 06/20/2017

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 18 Based on the stipulation of plaintiff Daniel Smith (“Plaintiff”), and
 19 defendant the City of Anaheim (“Defendant”), through their respective attorneys
 20 of record, the Court hereby enters the following protective order:

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 22 1. This Protective Order applies to and governs the use of law
 23 enforcement investigative reports and records concerning the shooting of Daniel
 24 Smith which are being produced to Plaintiff by Defendant. This Order shall also
 25 apply to and govern any other investigative or law enforcement reports or records
 26 subsequently produced to Plaintiff by Defendant concerning the shooting of
 27 Daniel Smith or its aftermath (hereinafter referred to as “Confidential
 28 Information”), including but not limited to reports or memoranda prepared by the

1 Anaheim Police Department, the Orange County District Attorney's Office, or
2 the Orange County Sheriff's Department. The term Confidential Information
3 shall mean and include the documents listed above, any and all portions thereof,
4 and all documents of whatever kind containing information set forth in or
5 obtained from these documents.

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7 2. Plaintiff's counsel shall use the Confidential Information solely for
8 the purposes of this litigation, and shall not disclose any portion of the
9 Confidential Information to any other person, firm or corporation except:

- 10 a. Bona fide employees of counsel's law offices, and then only to
11 the extent necessary to enable said persons to assist in litigation
12 of this action;
- 13 b. Plaintiff, to the extent deemed necessary by counsel for the
14 prosecution of this litigation
- 15 c. Expert witnesses employed by the parties to this action;
- 16 d. Consultants retained by the parties to this action; or
- 17 e. The Court.

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19 3. All persons described in paragraph 2 (a) through (d) above shall not
20 disclose any portion of said Confidential Information and shall not use any
21 information obtained therefrom except in conformance with the Protective Order
22 and for purposes of this litigation. Any party who discloses Confidential
23 Information to any person described in paragraph 2 (a) through (d) shall advise
24 such person that said matters constitute Confidential Information which may be
25 used only for the litigation of this action, and shall, prior to disclosure of the
26 Confidential Information, have such person execute a written Understanding and
27 Agreement to be bound by the parties' Stipulation for Protective Order in the
28 form attached thereto.

1 4. Any deposition testimony that encompasses or concerns Confidential
2 Information shall be transcribed in a separate booklet that is marked on its cover
3 “Confidential: Do Not Disclose Except By Court Order.” In addition, any
4 documents containing Confidential Information that are submitted to the Court
5 shall be filed or lodged in a sealed envelope marked "Confidential: Subject to
6 Protective Order" in conformance with Local Rule 79-5.

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8 5. The attorneys for Plaintiff are directed to retain all copies of
9 documents, notes, or summaries containing Confidential Information in their
10 custody, possession and control and to take the necessary precautions to prevent
11 persons not authorized as provided above from obtaining access to any such
12 Confidential Information.

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14 6. Production of the Confidential Information protected by this Order
15 shall not constitute a waiver of any privilege or confidentiality or privacy right.
16 The parties retain the right to assert all substantive objections to the Confidential
17 Information, including but not limited to relevancy, hearsay, privacy, privilege,
18 and Rule 403 of the *Federal Rules of Evidence*.

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

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ORDER

IT IS SO ORDERED.



Dated: April 26, 2016

Hon. Douglas F. McCormick
United States Magistrate Judge