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16 Attorneys for Plaintiff LUIZ ORTIZ

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 18 **UNITED STATES DISTRICT COURT**  
 19 **CENTRAL DISTRICT OF CALIFORNIA**

20 ANTONIO ORTIZ, LUIZ ORTIZ,  
 21  
 22 Plaintiffs,

23 v.

24 CITY OF FULLERTON, BRYAN  
 25 BYBEE# 1398, individually and as a  
 26 peace officer, MATTHEW MARTINEZ  
 27 #1348, individually and as a peace  
 28 officer, EMMANUEL PULIDO #1327,  
 individually and as a peace officer,  
 BILLY PHU #1332,individually and as a  
 peace officer, DOES 1-10, inclusive.

Defendants.

No. CV 16-01499 DOC (DFMx)

**PROTECTIVE ORDER  
 REGARDING PRODUCTION  
 OF RECORDS FROM ORANGE  
 COUNTY DISTRICT  
 ATTORNEY PURSUANT TO  
 THIRD-PARTY SUBPOENA**

29 Having reviewed the Stipulation by and between Plaintiff, EDWARD REZEK,  
 30 and third-party witness and custodian of records, Orange County District Attorney’s  
 31 Office (“OCDA”), and their attorneys of record, and in response to Plaintiff’s October  
 32 28, 2016 SDT to OCDA, and GOOD CAUSE APPEARING, the Court ORDERS the  
 33 following:

1           OCDA shall produce all responsive records to the subpoena; provided all  
2 records produced, (“Responsive records”) be subject to the following ORDER:

3       1.     The attorneys of record for Plaintiff and their staff, and any other attorney who  
4 receives said Responsive Records shall not copy nor reproduce any portion of said  
5 Records, except where necessary to submit to the Court. If any Responsive Record or  
6 Transcript is required to be submitted to the court, it shall be done so under seal, in  
7 connection with court proceedings;

8  
9       2.     No part of the Responsive Records disclosed pursuant to this Protective Order  
10 shall be given to any party to the present action without first agreeing to be bound by  
11 the protective order. The Responsive Records produced by OCDA pursuant to this  
12 Stipulated Protective Order shall be used solely in connection with the case of  
13 *Antonio Ortiz, Luiz Ortiz v. City of Fullerton, et al., Case No. CV 16-01499 DOC*  
14 *(DFMx)* including any associated appellate proceedings and collateral review, and not  
15 for any other purpose;

16  
17       3.     The Responsive Records produced to Plaintiff’s counsel and any other  
18 attorneys of record in the present matter shall not be provided to any other third party,  
19 excluding this Court and Court personnel, not specifically identified within the present  
20 order;

21       4.     If any other party to this civil litigation requests copies of the Responsive  
22 Records produced by the OCDA, counsel for OCDA shall first provide a copy of the  
23 Stipulated Protective Order to the requesting party. The requesting party shall  
24 confirm in writing that both the party and their attorney(s) of record shall be bound  
25 by the terms of the Stipulated Protective Order prior to disclosure of the requested  
26 records. The writing must also include consent by the party to whom disclosure is  
27 going to be made, to be subject to the jurisdiction of this Court with respect to any  
28 proceeding related to the enforcement of this Stipulated Protective Order, including

1 but not limited to a proceeding for contempt. Nothing in this Order shall be construed  
2 as authorizing a party to disobey a lawful subpoena issued in another action.

3  
4 5. Upon receipt of the acknowledgment, OCDA will produce to the requesting  
5 party's attorney a full set of the Responsive Records,

6  
7 6. At the conclusion of this matter, whether through trial, appeal, collateral  
8 review, or other final disposition, all Responsive Records produced pursuant to the  
9 Subpoena and this Stipulated Protective Order, and all copies shall be destroyed or  
10 returned to OCDA at the option of the attorneys of record for Plaintiff and any other  
11 attorney of record for a party to the present action who received the Responsive  
12 Records;

13  
14 7. The production of Responsive Records and Testimony by OCDA pursuant to  
15 this Order shall not be deemed a waiver of the federal investigation privilege for any  
16 future purpose;

17  
18 8. Attorneys, the parties and their respective employees, agents and other  
19 representatives, including investigators, are ordered not to disclose to any person or  
20 entity information obtained from the records without prior order of this Court;

21  
22 9. This Order prohibiting any dissemination and disclosure of information from  
23 the documents and depositions applies in any further discovery proceedings; and

24  
25 10. If Plaintiff, Plaintiff's counsel, or any other person or entity seeks relief from  
26 this Order, an appropriate noticed motion is to be served on the Orange County  
District Attorney, through his attorney of record, and all other parties.

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**GOOD CAUSE STATEMENT**

Plaintiff and third-party OCDA, believe that the responsive records listed above are described with sufficient particularity to comply with Ninth Circuit standards for protective orders.

OCDA further believes that the disclosure of the responsive records would violate State Constitutional privacy rights of the individuals named within the records and that the records are protected under federal official information privilege.

While Plaintiff disagrees with the grounds for OCDA's aforementioned objections to Plaintiff's SDT, Plaintiff has agreed to stipulate to this protective order in the interest of avoiding unnecessary litigation.

**IT IS SO STIPULATED.**

Dated: December 19, 2016

**THE BECK LAW FIRM**

By: /s/ Thomas E. Beck  
Thomas E. Beck, Esq.  
Attorneys for Plaintiff,  
Antonio Ortiz

Dated: December 19, 2016

**ORANGE COUNTY DISTRICT ATTORNEY**

By: /s/Ray Armstrong  
Ray Armstrong, Senior  
Deputy District Attorney  
for custodian of records  
Orange County District  
Attorney

**IT IS SO ORDERED.**



DATED: December 27, 2016

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Douglas F. McCormick  
United States District Court  
Magistrate Judge