

1 ANAHEIM CITY ATTORNEY'S OFFICE
 2 MOSES W. JOHNSON, IV (SBN 118769)
 3 Assistant City Attorney
 4 E-mail: mjohnson@anaheim.net
 5 200 S. Anaheim Boulevard, Suite 356
 6 Anaheim, California 92805
 7 Tel: (714) 765-5169 Fax: (714) 765-5123

8 Attorneys for Defendants CITY OF
 9 ANAHEIM, CITY OF ANAHEIM erroneously
 10 sued as ANAHEIM POLICE DEPARTMENT;
 11 RAUL QUEZADA; DANIEL WOLFE; and
 12 WOOJIN JUN

13 **UNITED STATES DISTRICT COURT**
 14 **CENTRAL DISTRICT OF CALIFORNIA**

15 FERMIN VINCENT
 16 VALENZUELA,

17 Plaintiff,

18 v.

19 CITY OF ANAHEIM; ANAHEIM
 20 POLICE DEPARTMENT; RAUL
 21 QUEZADA, individually and as
 22 Chief of Police; DANIEL WOLFE,
 23 WOOJIM JUN and DOES 1 through
 24 10, individually and as a peace
 25 officers, inclusive,

26 Defendants.

Case No.: 8:17-cv-00278 CJC (DFMx)

**PROTECTIVE ORDER RE
 CONFIDENTIAL INFORMATION**

[Discovery Document: Referred to
 Magistrate Judge Douglas F.
 McCormick]

Action Filed: February 15, 2017
 Trial Date: None set

27 On or about May 5, 2017, the parties stipulated to a protective order
 28 regarding confidential information and seek to have a protective order entered by
 the Court based on that stipulation. The stipulation has been filed with the Court.
 Based on that Stipulation and it appearing that the information is confidential and
 good cause appearing therefor, the following Protective Order shall apply to any
 Documents produced by Defendants to Plaintiff's counsel in this action:

1. **GOOD CAUSE STATEMENT:** This action involves information
 for which special protection from public disclosure and from use for any purpose

1 other than prosecution of this action is warranted. Such confidential materials
2 and information consist of, among other things, the Orange County District
3 Attorney's Office In-Custody Death Investigation and the City of Anaheim
4 Police Department's investigation and Body Worn Camera videos (including
5 information implicating privacy rights of third parties), information otherwise
6 generally unavailable to the public, or which may be privileged or otherwise
7 protected from disclosure under state or federal statutes, court rules, case
8 decisions, or common law. Accordingly, to expedite the flow of information, to
9 facilitate the prompt resolution of disputes over confidentiality of discovery
10 materials, to adequately protect information the parties are entitled to keep
11 confidential, to ensure that the parties are permitted reasonable necessary uses of
12 such material in preparation for and in the conduct of trial, to address their
13 handling at the end of the litigation, and serve the ends of justice, a protective
14 order for such information is justified in this matter.

15 2. Attorneys for the Plaintiff shall receive from the Defendants a copy
16 of the Orange County District Attorney Office's In Custody Death Investigation
17 and Anaheim Police Department police and investigative reports and Body Worn
18 Camera videos in connection with the investigation of decedent Fermin
19 Valenzuela ("File").

20 3. Attorneys for the Plaintiff shall personally secure and maintain the
21 File in their possession to the end that the File is to be used only for the purposes
22 set forth below and for no other purpose.

23 4. Plaintiff's counsel's copy of the investigation File shall only be used
24 for preparing for and prosecuting this case pending the completion of the judicial
25 process including appeal, if any. No copies of the File shall be made.

26 5. If necessary in the judgment of the attorneys for the Plaintiff in this
27 case, they may show or reveal the contents of the File to their experts and/or
28 investigators, if the same may actively assist in the prosecution of this case.

1 6. Duration: Once a case proceeds to trial, all of the information that
2 was designated as confidential or maintained pursuant to this protective order
3 becomes public unless compelling reasons supported by specific factual findings
4 to proceed otherwise are made to the trial judge in advance of the trial.
5 Kamakana v. City and County of Honolulu (9th Cir. 2006) 447 F.3d 1172, 1180-
6 1181 (distinguishing "good cause" showing for sealing documents produced in
7 discovery from "compelling reasons" standard when merits-related
8 documents are part of court record). Accordingly, the terms of this protective
9 order do not extend beyond the commencement of the trial.

10 7. Final Disposition: After the final disposition of this Action,
11 Plaintiff's Counsel shall return all Protected Material and/or Confidential
12 Information to counsel for the City or shall destroy such material, including all
13 copies and extracts thereof, abstracts, compilations, summaries, and any other
14 format reproducing or capturing any of the Protected Material and/or
15 Confidential Information with the exception of those documents affected by the
16 attorney work-product doctrine or attorney-client privilege. Notwithstanding this
17 provision, Counsel are entitled to retain an archival copy of all pleadings, motion
18 papers, trial, deposition, and hearing transcripts, legal memoranda,
19 correspondence, deposition and trial exhibits, expert reports, attorney work
20 product, and consultant and expert work product, even if such materials contain
21 material Protected Material and/or Confidential Information produced subject to
22 this order. Any such archival copies that contain or constitute Protected Material
23 and/or Confidential Information remain subject to this Protective Order.

24 8. Attorneys for the Plaintiff shall cause the substance of this order to
25 be communicated to each person to whom the File is revealed in accordance with
26 this order and prior to disclosure of the Confidential Information, have such
27 person execute a written Understanding and Agreement to be bound by this
28 Stipulation for Protective Order in the form attached hereto as Exhibit 1.

1 9. The attorneys for the Plaintiff shall not cause or knowingly permit
2 disclosure of the contents of the File beyond the disclosure permitted under the
3 terms and conditions of this order, including but not limited to any news media
4 which is inclusive of film or video, television, radio or print.

5 FOR GOOD CAUSE SHOWN, IT IS SO ORDERED:

6
7 Dated: May 9, 2017

8 
9 _____
10 HON. DOUGLAS F. MC CORMICK
11 United States Magistrate Judge

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

121888v1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 1
UNDERSTANDING AND AGREEMENT
PURSUANT TO PROTECTIVE ORDER

I declare under penalty of perjury under the laws of the United States of America that I have read in its entirety and understand the Stipulation and Protective Order that was issued by the United States District Court for the Central District of California in the case of VALENZUELA v. CITY OF ANAHEIM, et. al., Case No. SACV 17-00278 CJC (DFMx), now pending in the District Court. I understand the Stipulation and Protective Order and agree to comply with and to be bound by all the terms of the Stipulation and Protective Order. I solemnly promise that I will not disclose in any manner any information or item that is subject to the Stipulation and Protective Order to any person or entity except in strict compliance with the provisions of the Stipulation and Protective Order.

DATED: _____

Bv: _____
SIGNATURE

PRINT NAME

ADDRESS

CITY, STATE, ZIP