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9 Attorneys for Defendants

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA

12 A.G.1., a minor, by and through her
13 Guardian Ad Litem SERENA URIBE,
14 individually and as heir at law and
15 successor in interest to RAYMOND
16 ANGEL GONZALEZ; A.G.2, a minor,
17 by and through her Guardian Ad Litem
18 SERENA URIBE, individually and as
19 heir at law and successor in interest to
20 RAYMOND ANGEL GONZALEZ;
21 A.G.3, a minor, by and through her
22 Guardian Ad Litem SERENA URIBE,
23 individually and as heir at law and
24 successor in interest to RAYMOND
25 ANGEL GONZALEZ; A.G.4, a minor,
26 by and through her Guardian Ad Litem
27 SERENA URIBE, individually and as
28 heir at law and successor in interest to
RAYMOND ANGEL GONZALEZ;
R.A.G.J. a minor, by and through his
Guardian Ad Litem AMALIA
ALCANTAR, individually and as heir
at law and successor in interest to
RAYMOND ANGEL GONZALEZ;
and ALICE GONZALEZ, an
individual,

Plaintiffs,

vs.

Case No. 1:16-cv-01914 LJO-SAB

ORDER RE STIPULATION FOR
PROTECTIVE ORDER

(ECF No. 20)

1 CITY OF FRESNO, an entity; CITY OF
2 FRESNO POLICE DEPARTMENT, an
3 entity; ZEBULON PRICE an individual
4 police officer with CITY OF FRESNO
POLICE DEPARTMENT, and DOES 2
THROUGH 10, Inclusive,

5 Defendants.

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7 To expedite the flow of discovery materials, to facilitate the prompt
8 resolution of disputes over confidentiality of discovery materials, to adequately
9 protect information the parties are entitled to keep confidential, to ensure that only
10 materials that the parties and third-parties are entitled to keep confidential are
11 subject to such treatment, and to ensure that the parties are permitted reasonably
12 necessary uses of such materials in preparation for and in the conduct of trial,
13 pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, it is hereby
14 stipulated by and between the parties by their respective counsel:
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18 1. Documents designated as “Confidential” or “Confidential – Counsel Only”
19 (hereinafter collectively “Protected Information”), and produced by parties to this
20 action, are subject to this Protective Order.
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22 2. “Confidential” documents shall be defined as documents for which the
23 designating party would be entitled to have protected from public disclosure by
24 Court order under Rule 26(c) of the Federal Rules of Civil Procedure and the
25 relevant case law.
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1 3. “Confidential – Counsel Only” documents shall be defined as
2 “Confidential” documents, as defined in paragraph 2, that also contain sensitive
3 personal information, including, for example, personnel records and medical
4 records.
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6 4. Protected Information shall be used solely in connection with the civil case
7 of *Gonzalez, et al. v. City of Fresno, et al.*, Case No. 1:16-CV-01914-LJO-SAB,
8 and in the preparation of trial of this case, or any related proceeding.
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10 5. A party producing the documents and materials described above may
11 designate those materials by affixing a mark labeling them as “Confidential” or
12 “Confidential – Counsel Only.” If any Protected Information cannot be labeled with
13 the aforementioned marking, those materials shall be placed in a sealed envelope or
14 other container that is in turn marked with the appropriate designation in a manner
15 agreed upon by the disclosing and requesting parties.
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18 6. Protected Information designated under this Protective Order as
19 ”Confidential” may only be disclosed to the following persons:
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21 a) Counsel for the parties;
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23 b) Paralegal, clerical, and secretarial personnel regularly employed by
24 counsel referred to in subpart (a) directly above, including stenographic deposition
25 reporters or videographers retained in connection with this action;
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1 c) Court personnel including stenographic reporters or videographers
2 engaged in proceedings as are necessarily incidental to the preparation for the trial
3 of the civil action;

4 d) Any expert or consultant retained in connection with this action;

5 e) The finder of fact at the time of trial, subject to the court's rulings on in
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8 limine motions and objections of counsel; and

9 f) The parties, to the extent reasonably necessary to assist their counsel in this
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11 litigation or for their counsel to advise them with respect to the litigation.

12 7. Protected Information designated under this Protective Order as
13 "Confidential – Counsel Only" may only be disclosed to the following persons:

14 a) Outside counsel for the parties;

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16 b) Paralegal, clerical, and secretarial personnel regularly employed by
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18 counsel referred to in subpart (a) directly above, including stenographic deposition
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20 reporters or videographers retained in connection with this action;

21 c) Court personnel including stenographic reporters or videographers
22 engaged in proceedings as are necessarily incidental to the preparation for the trial
23 of the civil action;

24 d) Any expert or consultant retained in connection with this action; and

25 e) The finder of fact at the time of trial, subject to the court's rulings on in
26
27 limine motions and objections of counsel.

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1 8. All Protected Information filed with the Court for any purpose shall be
2 filed and served under seal in accordance with Local Rule 141.

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4 9. The designation of information as Protected Information, and the
5 subsequent production thereof, is without prejudice to the right of any party to
6 oppose the admissibility of the designated information.

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8 10. A nonparty producing information or material voluntarily or pursuant to a
9 subpoena or a court order may designate such material or information as Protected
10 Information pursuant to the terms of this Protective Order. The signatories to this
11 Protective Order will treat such information as Protected Information to the same
12 extent as if it had been produced by a party.

13
14 11. A party may apply to the Court for an order that information designated
15 as Protected Information pursuant to this Protective Order is not, in fact,
16 “Confidential,” or appropriately designated as “Confidential – Counsel Only.” Prior
17 to so applying, the party seeking to reclassify Protected Information shall meet and
18 confer with the producing party. Until the matter is resolved by the parties or the
19 Court, the Protected Information in question shall continue to be treated according
20 to its designation under the terms of this Protective Order. The
21 producing party shall have the burden of establishing the propriety of the
22 “Confidential” or “Confidential – Counsel Only” designation. A party shall not be
23 obligated to challenge the propriety of a confidentiality designation at the time
24 made, and a failure to do so shall not preclude a subsequent challenge thereto.
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1 12. Each person to whom disclosure is made, with the exception of counsel,
2 and its paralegal, clerical, and secretarial personnel, who are presumed to know the
3 contents of this Protective Order, shall, prior to the time of disclosure, be provided
4 by the person furnishing him or her such material, a copy of this Protective Order.
5 Each person to whom disclosure is made shall agree on the record or in writing that
6 he/she has read the Protective Order and he/she understands the provisions of the
7 Protective Order. Such person must also consent to be subject to the jurisdiction of
8 the United States District Court, Eastern District of California, with respect to any
9 proceeding related to enforcement of this Protective Order, including without
10 limitation, any proceeding for contempt. Provisions of this Protective Order, insofar
11 as they restrict disclosure and use of the material, shall be in effect until further
12 order of this Court.

13 13. After the conclusion of this litigation, all documents, in whatever form
14 stored or reproduced, containing Protected Information will remain confidential and
15 subject to this Protective Order. The conclusion of this litigation means a
16 termination of the case following applicable post-trial motions, appeal and/or
17 retrial. After the conclusion of this litigation, all Protected Information received
18 under the provisions of this Protective Order, including copies made, shall be
19 destroyed, or tendered back to the attorneys for the party or parties producing the
20 documents. The parties will also take all reasonable and necessary steps to ensure

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1 that persons to whom they disclose another party's Protected Information destroy or
2 return the Protected Information to the producing party.

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4 Dated: March 13, 2017

FERGUSON, PRAET & SHERMAN
A Professional Corporation

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6 By: /s/ Bruce D. Praet
Bruce D. Praet, Attorneys for
7 Defendants

8 Dated: March 13, 2017

GUIZAR, HENDERSON &
CARRAZCO, LLP

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10 By: /s/ Humberto M. Guizar
Humberto M. Guizar, Attorneys for
11 Plaintiffs

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13 **ORDER**

14 Pursuant to the stipulation of the parties, IT IS HEREBY ORDERED that:

- 15 1. The protective order is entered;
- 16 2. The parties are advised that pursuant to the Local Rules of the United States
17 District Court, Eastern District of California, any documents which are to be
18 filed under seal will require a written request which complies with Local
19 Rule 141; and
- 20 3. The party making a request to file documents under seal shall be required to
21 show good cause for documents attached to a nondispositive motion or
22 compelling reasons for documents attached to a dispositive motion. Pintos v.
23 Pacific Creditors Ass'n, 605 F.3d 665, 677-78 (9th Cir. 2009).

24 IT IS SO ORDERED.

25 Dated: March 13, 2017

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UNITED STATES MAGISTRATE JUDGE