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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

**DARRYL HUBBARD,**  
  
Plaintiff,  
  
v.  
  
**C. D. HOUGLAND, et al.,**  
  
Defendants.

Case No. 2:09-CV-0939-TLN-AC (PC)  
**[PROPOSED] PROTECTIVE ORDER  
RE: ORDER DENYING IN PART, AND  
GRANTING IN PART, PLAINTIFF'S  
MOTION TO COMPEL (ECF NO. 133)**

Plaintiff Darryl Hubbard, a former state prisoner proceeding pro se, filed this action under 42 U.S.C. § 1983. On March 18, 2014, this Court filed an order denying in part, and granting in part, Plaintiff's motion to compel discovery (ECF No. 123). (ECF No. 133.)<sup>1</sup> The Court granted Plaintiff's motion as to interrogatories numbers 8, 9, 11, 12, and 13, and requests for production numbers 1, 2, 3, 4, 5, 6, and 7, directed to Defendant Hougland. In addition, the Court granted Plaintiff's motion as to interrogatories numbers 6, 7, and 11, and requests for production numbers 1 and 4, directed to Defendant McBride. (ECF No. 133 at 17:4-7.) However, the Court limited the amount of information and documents Defendants Hougland and McBride must provide.

<sup>1</sup> Defendants filed a motion for reconsideration (ECF No. 136) of the March 18th order. By order filed on August 13, 2014, the March 18, 2014 order was affirmed by Judge Nunley. ECF No. 137. Defendants then filed their proposed protective order on August 20, 2014.

1           Accordingly, a protective order will issue governing the allowable scope of Plaintiff's  
2 requests for discovery and Defendants' responses. IT IS HEREBY ORDERED that:

3           1.     Defendant Houglan need respond only to interrogatories 8, 9, 11, 12, and 13, as  
4 follows:

5           a.     In response to interrogatory number 8, Defendant Houglan is ordered to  
6 provide only the number of staff complaints filed against him during the ten-year  
7 period preceding July 7, 2008.

8           b.     In response to interrogatory number 9, Defendant Houglan is ordered to  
9 provide only the number of staff complaints included in response to interrogatory  
10 number 9, for which he was reprimanded, during the ten-year period preceding July 7,  
11 2008.

12          c.     In response to interrogatory number 11, Defendant Houglan is ordered to  
13 supplement his response only to clarify whether the two specified staff assault reports  
14 written by Defendant Houglan included the report regarding Plaintiff, and identify  
15 the reports by date.

16          d.     In response to interrogatory number 12, Defendant Houglan is ordered to  
17 identify only responsive documents in his personnel file from the ten-year period  
18 preceding July 7, 2008.

19          e.     In response to interrogatory number 13, Defendant Houglan is ordered to  
20 provide only the number of lawsuits during the ten-year period preceding July 7,  
21 2008, in which he was named as a defendant. Defendant is required to include only  
22 lawsuits in which he was served with a complaint or waived personal service of the  
23 complaint.

24          2.     Defendant Houglan need respond only to requests for production numbers 1, 2, 3, 4,  
25 5, 6, and 7, as follows:

26          a.     In response to requests for production number 1, 2, and 3, Defendant is ordered  
27 to produce only correctional staff training materials and CDCR or HDSP policies  
28 and/or procedures, if any exist, that supplement or implement the use of force

1 regulations and/or address the tactics to be used when approaching or restraining an  
2 agitated or unruly inmate. Defendant is required to produce only those training  
3 materials that were in use, and policies or procedures that were in force, during the  
4 ten years prior to July 7, 2008.

5 b. In response to requests for production numbers 4, 5, 6, and 7, Defendant  
6 Hougland is required to produce only documentation from the ten-year period  
7 preceding July 7, 2008, that relates to grievances/appeals/staff misconduct complaints  
8 filed against him by inmates alleging excessive force or dishonesty. Defendant is  
9 required to produce only those documents to which he has access at HDSP or any  
10 other CDCR facility or located within his own personnel file. In addition, Defendant  
11 Hougland is ordered to produce only documentation from the ten-year period  
12 preceding July 7, 2008, that identifies any and all lawsuits brought against him by a  
13 prisoner or prisoners alleging excessive force or dishonesty.

14 c. To the extent that any of the policies, training materials, and or procedures  
15 ordered produced in response to requests for production 1, 2, and 3 are confidential  
16 and represent a safety and security threat if disclosed, defendants are ordered to  
17 submit a redacted and unredacted copy of those documents to the Court under seal for  
18 the Court's review before production.

19 d. To the extent that any of the grievances/appeals/staff misconduct complaints  
20 ordered produced in response to requests for production numbers 4, 5, 6, and 7  
21 contain confidential information about inmates or staff, defendant is ordered to  
22 submit a redacted and unredacted copy of those documents to the Court under seal for  
23 the Court's review before production.

24 3. Defendant McBride need respond only to interrogatories number 6, 7, and 11, as  
25 follows:

26 a. In response to interrogatory number 6, Defendant McBride is ordered to  
27 provide only the number of staff complaints filed against him during the ten-year  
28 period preceding July 7, 2008.

1 b. In response to interrogatory number 7, Defendant McBride is ordered to  
2 provide only the number of staff complaints included in response to interrogatory  
3 number 6, for which he was reprimanded, during the ten-year period preceding July 7,  
4 2008.

5 c. In response to interrogatory number 11, Defendant McBride is ordered to  
6 provide only the number of lawsuits during the ten-year period preceding July 7,  
7 2008, in which he was named as a defendant. Defendant is required to include only  
8 lawsuits in which he was personally served with a complaint or waived personal  
9 service of the complaint.

10 4. Defendant McBride need respond only to request for production number 1 and 4, as  
11 follows:

12 a. In response to requests for production number 1, Defendant McBride is ordered  
13 to produce documentation from the ten-year period preceding July 7, 2008, that  
14 identifies any and all lawsuits brought against him by a prisoner or prisoners alleging  
15 excessive force or dishonesty.

16 b. In response to requests for production number 4, Defendant McBride is ordered  
17 to produce documentation from the ten-year period preceding July 7, 2008, that  
18 relates to grievances/appeals/staff misconduct complaints filed against him by  
19 inmates alleging excessive force or dishonesty. Defendant is required to produce  
20 only those documents to which he has access at HDSP or any other CDCR facility or  
21 those located within his own personnel file.

22 c. To the extent that any of the grievances/appeals/staff misconduct complaints  
23 ordered produced in response to request for production number 4 contain confidential  
24 information about inmates or staff, defendant is ordered to submit a redacted and  
25 unredacted copy of those documents to the Court under seal for the Court's review  
26 before production.

27 5. All information provided or produced subject to this Protective Order shall, as to  
28 Plaintiff, be regarded as confidential and subject to this Protective Order.

1           6.     Plaintiff may not share, give, or otherwise disseminate to any other person or entity,  
2 any documents or information produced, except as authorized by the Court.

3           7.     Plaintiff shall use the information and documents produced only for purposes of this  
4 litigation and not for any other purpose, including other litigation or interests.

5           8.     All objections concerning the admissibility of the information and documents  
6 produced under this Protective Order are preserved and may be made before such information or  
7 documents may be admitted at trial or for any other purpose, including summary judgment.

8           9.     Any information provided or produced under this Protective Order, which is sought  
9 to be filed with the Court for any purpose, shall be filed under seal upon a motion or request to  
10 file under seal pursuant to Eastern District Local Rules 140(d) and 141, by placing the  
11 information in sealed envelopes bearing the caption of this action and attaching a copy of this  
12 Order permitting the documents to be filed under seal. The sealed envelope shall also bear the  
13 word: "CONFIDENTIAL". This envelope is sealed under order of the Court, contains  
14 confidential information, and shall only be accessed by the Court or authorized court personnel.

15          10.    Plaintiff shall not make copies of such information, except for purposes of this  
16 litigation.

17          11.    At the conclusion of this litigation, all documents and information produced pursuant  
18 to this protective order, including any copies, shall be destroyed by Plaintiff or returned to  
19 Defendants' counsel. Plaintiff shall memorialize which method he uses, by letter to Defendants'  
20 counsel.

21 Dated: August 27, 2014

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23 ALLISON CLAIRE  
24 UNITED STATES MAGISTRATE JUDGE  
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