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 8 *Johnson, Shaid, and Rodriguez*

9 IN THE UNITED STATES DISTRICT COURT  
 10 FOR THE EASTERN DISTRICT OF CALIFORNIA  
 11 SACRAMENTO DIVISION

13 **JEREMY JAMISON,**  
 14 Plaintiff,  
 15 v.  
 16 **SHAID, et al.,**  
 17 Defendants.

2:10-CV-00124 KJM EFB  
**STIPULATION FOR PROTECTIVE  
 ORDER AND ORDER**  
 Trial Date: November 9, 2015  
 Action Filed: January 14, 2010

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 19 THE PARTIES STIPULATE TO A PROTECTIVE ORDER AS FOLLOWS:

20 **A. CONFIDENTIAL MATERIAL SUBJECT TO THIS PROTECTIVE ORDER**

21 Plaintiff has requested documents relating to staff complaints he has made against staff at  
 22 the Deuel Vocational Institute and the California Substance Abuse Treatment Facility and State  
 23 Prison. The California Department of Corrections and Rehabilitation (CDCR) deems some  
 24 documents relating to Plaintiff’s staff complaints as confidential material because they refer to  
 25 employees who are not parties in this action. All confidential material is “official information”  
 26 within the meaning of California Evidence Code sections 1043 and 1045 and Penal Code section  
 27 832.7 and 832.8. In addition, the confidential material is subject to a qualified privilege as  
 28 official information under Federal common law.

1 As are countless other inquiries into staff complaints by inmates, the confidential material  
2 in this case was prepared on the basis of, among other things, interviews with custodial staff with  
3 the understanding that statements made in the course of the interviews would remain confidential.  
4 The disclosure of the confidential material without a protective order would undermine CDCR's  
5 ability to assure its employees that their statements will be maintained in confidence. The likely  
6 result of unprotected disclosure of these reports is that CDCR employees, whether subjects of  
7 inquiries into inmates' staff complaints or witnesses to incidents that are the subject of such  
8 inquiries, will be unwilling or less willing to cooperate with investigators. Accordingly, a  
9 protective order is warranted for these reports.

10 **B. CONDITIONS FOR RELEASE OF CONFIDENTIAL MATERIAL**

11 CDCR will produce the confidential material, subject to this protective order on the  
12 following conditions:

- 13 1. The social security numbers and any other confidential personal information of the  
14 CDCR employees who are the subject of the confidential material shall be redacted.
- 15 2. The confidential material may be disclosed only to the following persons:
  - 16 (a) Counsel of record for Plaintiff in this action;
  - 17 (b) Paralegal, stenographic, clerical and secretarial personnel regularly employed by  
18 counsel for Plaintiff;
  - 19 (c) Court personnel and stenographic reporters engaged in such proceedings as are  
20 incidental to the preparation for the trial in this action;
  - 21 (d) Any outside expert or consultant retained by Plaintiff's counsel for purposes of this  
22 action;
  - 23 (e) Witnesses to whom the confidential material may be disclosed during the  
24 preparation for trial and trial, provided that no witness may not have copies of any of the  
25 confidential material, and each witness shall be informed and agree to be bound by the terms of  
26 this order. In no event may Plaintiff or any other inmate have possession of any material  
27 produced under this stipulation.

1           3. Plaintiff's counsel and his legal assistants and consultants shall not make copies of the  
2 confidential material except as necessary for purposes of this litigation.

3           4. All confidential material in possession of Plaintiff's counsel shall be destroyed or  
4 returned to the CDCR within 20 days of the time it is no longer needed for purposes of this  
5 litigation.

6           5. When Plaintiff's counsel returns or destroys the confidential material, he shall provide  
7 Defendants' counsel with a declaration stating the all confidential material has been returned or  
8 destroyed.

9           6. No confidential material obtained by Plaintiff's counsel shall be disclosed except as is  
10 necessary in connection with this or related litigation, including appeals, and not for any other  
11 purpose, including any other litigation.

12           7. Any confidential material filed with the Court by either party shall be filed and  
13 maintained under seal.

14           8. Nothing in this protective order is intended to prevent officials or employees of the State  
15 of California, or other authorized government officials, from having access to confidential  
16 material to which they would have access in the normal course of their official duties.

17           9. The provisions of this protective order are without prejudice to the right of any party:

18           (a) To apply to the Court for a further protective order relating to any confidential  
19 material or relating to discovery in this litigation;

20           (b) To apply to the Court for an order removing the confidential material designation  
21 from any documents;

22           (c) To object to a discovery request.

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10. The provisions of this order shall remain in full force and effect until further order of this Court.

IT IS SO STIPULATED.

Dated: February 17, 2015

/s/ David A. Carrasco  
DAVID A. CARRASCO  
Attorney for Defendants  
*State of California, California Department of Corrections and Rehabilitation, Bailey, Garza, Johnson, Shaid, and Rodriguez*

Dated: February 17, 2015

/s/ Kevin Schwin  
KEVIN SCHWIN  
Attorney for Plaintiff  
*Jeremy Jamison*

**IT IS SO ORDERED**

Dated: February 26, 2015

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE

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