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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEREMY JONES,
Plaintiff,
v.
BALLESTEROS, et al.,
Defendants.

No. 2:10-cv-02661-KJM-EFB-P

ORDER

Having reviewed the parties' stipulation and proposed protective order, ECF No. 100, the court orders as follows:¹

I. CONFIDENTIAL MATERIAL SUBJECT TO THIS PROTECTIVE ORDER

Defendants wish to use at trial photographs and a schematic of the area around and interior of the building where plaintiff was housed when the incident giving rise to this action occurred. These documents are included in defendants' Exhibits A, B, C, and J. Because of safety and security concerns, these documents may not be given or copied to those not authorized to have them. A protective order is necessary to maintain the confidentiality of these documents.

¹ Changes to the parties' proposed order are marked in redline format.

1 II. CONDITIONS FOR RELEASE OF CONFIDENTIAL MATERIAL

2 To enable defendants to use the confidential documents at trial, defendant agrees
3 to release the confidential documents to Plaintiff's attorneys on the following conditions:

4 1. The confidential material may be disclosed only to the following persons:

5 (a) Counsel of record for plaintiff in this action;

6 (b) Legal and non-legal staff employed or retained by counsel for plaintiff to
7 whom it is reasonably necessary to disclose the information for this litigation;

8 (c) Court personnel and stenographic reporters engaged in such proceedings as
9 are incidental to the preparation for the trial in this action;

10 (d) Any outside expert or consultant retained by plaintiffs' counsel for
11 purposes of this action;

12 (e) Witnesses during the preparation for trial and trial, provided that no
13 witness may have copies of any of the confidential material, and each witness shall be informed
14 and agree to be bound by the terms of this order. In no event may plaintiff or any other inmate
15 have possession of any material that is subject to this stipulation.

16 (f) The jury during the presentation of evidence and the jurors' deliberations.

17 2. Plaintiff's counsel and legal and non-legal staff employed or retained by
18 counsel for plaintiff shall not make copies of the confidential material except as necessary for
19 purposes of this litigation.

20 3. All confidential material in possession of plaintiff's counsel shall be destroyed
21 or returned to defendant's counsel within 20 days of written request by defendants' counsel.

22 4. Upon appropriate written request by defendants' counsel, plaintiff's counsel
23 will provide written confirmation that the confidential material has been returned or destroyed.

24 5. No confidential material provided to plaintiff's counsel shall be disclosed
25 except as is necessary in connection with this or related litigation, including appeals, and not for
26 any other purpose, including any other litigation.

27 6. Nothing in this protective order is intended to prevent officials or employees of
28 the State of California, or other authorized government officials, from having access to

1 confidential material to which they would have access in the normal course of their official
2 duties.

3 7. The provisions of this protective order are without prejudice to the right of any
4 party:

5 (a) To apply to the court for a further protective order relating to any
6 confidential material or relating to discovery in this litigation;

7 (b) To apply to the court for an order removing the confidential material
8 designation from any documents; or

9 (c) To request confidential material be filed under seal, pursuant to the Local
10 Rules of the Eastern District of California, Judge Mueller's Standing Order, and the requirements
11 of controlling precedent.

12 8. Nothing in this stipulation is intended to prevent the parties from seeking to
13 admit the confidential information into evidence.

14 9. The provisions of this order shall remain in full force and effect until further
15 order of this court.

16 10. This order is not a trial protective order and does not approve the filing of any
17 document under seal.

18 IT IS SO ORDERED.

19 DATED: March 9, 2016.

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22 UNITED STATES DISTRICT JUDGE
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