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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SHERMAN MANNING, (J98796)
PETER ANDRIST,

Plaintiffs,

v.

M. BUNELL, L. JOHNSON, F.
SCHROEDER, SGT. MAY, R.
WENKER, CO HUMPHRIES, M.
JIMENEZ, A. RALLS, R. COUCH,
C. COMPTON, CO GOLDSMITH,
R. O'BRIEN, AND SGT.
STRATTON,

Defendants.

Case No. 2:12-cv-2440 MCE AC P

**[PROPOSED] PROTECTIVE
ORDER RE PRODUCTION OF
INFORMATION PURSUANT TO
PLAINTIFF'S MOTION TO
COMPEL**

Judge: Hon. Allison Claire

The Court having granted in part Plaintiff's Motion to Compel (Doc. #132) and having ordered Defendants to disclose any workplace discipline and/or criminal convictions (Doc. #192), hereby orders disclosure of such information subject to the following order:

IT IS HEREBY ORDERED, as follows:

The following Protective Order shall govern the use and disclosure of Defendants' responses to Plaintiffs' Interrogatories regarding workplace discipline and/or criminal convictions (collectively, "Confidential Information") produced in

1 accordance with the Court's Order granting, in part, Plaintiff's Motion to Compel,
2 with the following provisions.

3 1. Under no circumstances shall Confidential Information be used in any
4 proceeding other than the instant case or be disseminated, in any form, except by
5 explicit court order.

6 2. Under no circumstances shall Confidential Information be used in any
7 of Plaintiff's books, website, twitter account, or any other publication.

8 3. Under no circumstances shall Confidential Information either orally or
9 by written form, be inputted into any computer program or database or listed
10 manually in any manual, notebook or other listing as it pertains to law enforcement
11 personnel. This does not apply to any computer program or case file maintained
12 specifically as to this criminal action.

13 4. Disclosure of Confidential Information shall be limited to the
14 personnel and/or classification of persons listed below:

- 15 (a) Counsel for any party to this action and plaintiff, who is *pro se*¹;
- 16 (b) Staff personnel employed by counsel for any party;
- 17 (c) The court and its personnel, in connection with this litigation;
- 18 (d) Experts or consultants retained to work on this case by counsel
19 for any party to this case; and
- 20 (e) Investigators retained by counsel for any party to this case, as
21 indicated above.

22 5. Under no circumstances shall Confidential Information be disclosed
23 and/or used by former co-Plaintiff Peter Andrist or any other state prisoner.

24 6. Counsel for any party to this action shall advise those individuals to
25 whom disclosure of Confidential Information is to be made of the contents of this
26 Protective Order, and such counsel shall obtain the consent of such individual that

27 ¹ Although Plaintiff is in contact with several attorneys, Plaintiff may not provide any information
28 to any attorney unless that attorney has entered his or her appearance in this case and is currently
counsel of record.

1 he or she will be bound by this Protective Order. In the event such individual does
2 not consent to be bound by this Protective Order, no disclosure of Confidential
3 Information will be made to such individual. In this case, counsel includes
4 plaintiff, who is *pro se*.

5 7. Any counsel, expert, consultant, or investigator retained by counsel for
6 any party to this case shall not refer to Confidential Information in any other court
7 proceeding subject to further order of this Court.

8 8. Except for documentation filed under seal by the court, all
9 originals and copies of Confidential Information shall be returned to counsel
10 for the defendants within 10 days after final termination of this case, whether
11 such termination is by settlement, judgment, dismissal, appeal or otherwise.


12 9. This Protective Order, and the obligations of all persons
13 thereunder—including those relating to the disclosure and use of
14 Confidential Information—shall survive the final termination of this case
15 whether such termination is by settlement, judgment, dismissal, appeal or
16 otherwise, until further order of the Court.

17 10. Nothing in this Protective Order is intended to prevent officials
18 or employees of the CDCR, individual CDCR peace officers, or other
19 authorized individuals from having access to Confidential Information to
20 which they would have access in the normal course of their duties.

21 11. Breach of this protective order may result in dismissal of this
22 case and/or monetary fines.

23 IT IS SO ORDERED.

24 DATED: January 8, 2015

25 
26 ALLISON CLAIRE
27 UNITED STATES MAGISTRATE JUDGE
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