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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BENJAMIN T. CARIDAD,
Petitioner,
v.
HARRY OREOL,
Respondent.

No. 2:14-cv-1847 KJM AC P
STATE ATTORNEY FILES:
PROCEDURE AND
PROTECTIVE ORDER

This habeas corpus case will be scheduled for an evidentiary hearing after completion of current discovery. Petitioner has subpoenaed the legal and billing files of the attorney who has represented him in his state civil commitment proceedings, Mr. Kenneth Rosenfeld (“state attorney”). Discovery of state attorney file materials shall be governed by the procedure set forth herein, and any and all materials produced shall be subject to this Protective Order.

No later than October 1, 2018, Mr. Rosenfeld shall produce his case file for the period January 1, 2013 through June 30, 2017, for review and copying by both federal habeas counsel and counsel for respondent. Review and any copying shall be completed no later than October 10, 2018.

All discovery of state attorney file materials shall be deemed to be confidential. Documents and materials produced from the state attorney files (hereinafter “documents”) may be

1 used only by counsel for the parties and persons working under their direct supervision (including
2 expert consultants), and only for purposes of litigating the equitable tolling issue now before the
3 court. Disclosure of the contents of the documents and the documents themselves may not be
4 made to any other persons or agencies, including any other law enforcement or prosecutorial
5 personnel or agencies, without an order from this Court. The communications and materials may
6 not be used, cited, or relied upon by the state in any other proceedings against petitioner,
7 including any future retrial or commitment proceeding. This order extends to respondent and all
8 persons acting on behalf of respondent in this proceeding, including but not limited to persons
9 employed by the Office of the California Attorney General, persons working on this matter who
10 are employed by California governmental divisions other than the Attorney General, persons
11 retained by respondent for any investigative or consulting work on this matter, and any expert
12 consultants or witnesses assisting respondent.

13 This order shall continue in effect after the conclusion of the habeas corpus proceedings
14 and shall specifically apply in the event of a retrial of all or any portion of petitioner's civil
15 commitment proceedings, except that either party maintains the right to request modification or
16 vacation of this order upon entry of final judgment in this matter.

17 IT IS SO ORDERED.

18 DATED: September 19, 2018

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20 ALLISON CLAIRE
21 UNITED STATES MAGISTRATE JUDGE
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