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19 IN THE UNITED STATES DISTRICT COURT  
 20 FOR THE EASTERN DISTRICT OF CALIFORNIA  
 21 SACRAMENTO DIVISION

22 **JIMMY BILLS,**  
 23  
 24 Plaintiff,  
 25  
 26 **v.**  
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 28 **E. SANCHEZ, et al.,**  
 Defendant.

2:16-cv-02137-KJM-EFB (PC)

**STIPULATED PROTECTIVE ORDER**

Judge: Hon. Kimberly J. Mueller  
 Trial Date: Not Set  
 Action Filed: September 7, 2016

**IT IS STIPULATED BY THE PARTIES, BY AND THROUGH THEIR  
 RESPECTIVE COUNSEL, AND ORDERED BY THE COURT AS FOLLOWS:**

Plaintiff and Plaintiff’s counsel have demanded the production of documents, which were withheld during the now closed discovery period. Defendant contends the requests contain confidential information which, if shared or disclosed, could jeopardize the safety and security of institution(s) operated by the California Department of Corrections and Rehabilitation (CDCR), its employees, inmates, informants and their families, the Defendant, or other individuals.

1 Defendant also contends that some of the information requested contains official information.

2 The Court orders the following to protect the confidentiality of those documents:

3 1. The provisions of this Protective Order apply to all confidential records and  
4 information (“confidential material”) responsive to Plaintiff’s discovery requests and designated  
5 by Defendant and/or CDCR as “Confidential,” and those confidential records and information  
6 which the Court orders Defendant and/or CDCR to produce. The Court-issued Protective Order  
7 applies because those documents contain confidential information, which if shared, could  
8 jeopardize the safety and security of CDCR institutions, its employees, inmates, informants and  
9 their families, the Defendant, or other individuals.

10 2. The confidential material may be disclosed only to the following persons:

11 (a) Plaintiff’s retained attorney(s) of record;

12 (b) The attorney(s) of record for Defendant and CDCR;

13 (c) Any paralegal, secretarial, or clerical personnel regularly employed by counsel  
14 for Plaintiff, Defendant, or CDCR, who are necessary to aid counsel for Plaintiff, Defendant, and  
15 CDCR in the litigation of this matter;

16 (d) Experts or consultants retained by counsel; and

17 (e) Court personnel and stenographic reporters necessarily involved in these  
18 proceedings.

19 3. None of the confidential material or information contained within the confidential  
20 material shall be shown to, discussed with, or disclosed in any other manner to Plaintiff, any other  
21 inmate or former inmate, any parolee or former parolee, or any other person not indicated in  
22 paragraph 2, unless a written waiver expressly authorizing such disclosure has been obtained  
23 from counsel for Defendant and CDCR, who maintain possession and control over the original  
24 confidential material.

25 4. No person who has access to the confidential material, as set forth in paragraph 2,  
26 shall copy any portion of the confidential material, except as necessary to provide a copy of the  
27 confidential material to any other authorized individual listed in paragraph 2, or to submit copies  
28 to the Court in redacted form in connection with this matter. Any copies made for such purpose

1 will be subject to this order. A copy of this order must be provided to any individual authorized  
2 to access the confidential material before providing that individual with access to the confidential  
3 material, including experts or consultants retained by counsel. Counsel for the parties shall  
4 maintain a record of all persons to whom access to the confidential material has been  
5 provided. The Court and counsel for Defendant and CDCR may request a copy of such record at  
6 any time to determine compliance with the Court's order.

7 5. If a party expects to file any exhibits or documents with the Court that reveal  
8 confidential material, or the contents of any confidential material, a meet and confer between the  
9 parties is required to determine the appropriate redactions, as the court does not file documents  
10 related to trial under seal.

11 6. Counsel for each party shall only discuss in open court the summaries of  
12 confidential information contained in any non-confidential record.

13 7. At the conclusion of the proceedings in this case, including any period for appeal  
14 or collateral review, or upon other termination of this litigation, counsel for Plaintiff shall destroy  
15 all confidential materials and all copies of such material in counsel's possession or return such  
16 materials to counsel for Defendant.

17 8. All confidential material in this matter shall be used solely in connection with the  
18 litigation of this matter, or any related appellate proceeding and collateral review, and not for any  
19 other purpose, including any other litigation or proceeding.

20 9. Any violation of this order may result in sanctions by this Court, including  
21 contempt, and may be punishable by state or federal law.

22 10. The provisions of this order shall remain in effect until further order of this  
23 Court. The Court will provide counsel for Defendant and/or CDCR an opportunity to be heard  
24 should the Court find modification of this order necessary.

- 25 11. Defendant will produce the following confidential material to Plaintiff's counsel:
- 26 a. Redacted inmate appeal log number MCSP-A-15-00178.
  - 27 b. Confidential supplement to Plaintiff's appeal, log number MCSP-A-15-02832.
  - 28 c. Use of force critique for incident number MCSP-A02-15-0361.

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d. Defendant Sanchez's training records.

12. Copies of the documents listed above will not be filed with the court, but will be produced to Plaintiff's counsel once this order is executed. To the extent that there are additional responsive documents covered by this protective order, the parties shall meet and confer regarding the production of those documents.

Dated: September 3, 2019

Respectfully submitted,

/s/ John McCauley

JOHN MCCAULEY  
Quinn Emanuel Urquhart & Sullivan, LLP  
Attorney for Plaintiff

/s/ Sean W. Lodholz

SEAN W. LODHOLZ  
Deputy Attorney General  
Attorney for Defendant E. Sanchez

**IT IS SO ORDERED.**

DATED: September 9, 2019.

  
UNITED STATES DISTRICT JUDGE