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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

TONY NUNEZ, et al.,  
Plaintiffs,

v.

CITY OF SAN JOSE, et al.,  
Defendants.

Case No. [5:17-cv-03860-LHK](#) (HRL)

**ORDER RE DISCOVERY DISPUTE  
JOINT REPORT NO. 1**

Re: Dkt. No. 33

In this civil rights/wrongful death case both sides agree that a protective order should be put in place to safeguard certain information produced in discovery. However, they cannot agree on what the appropriate level(s) of protection should be. Plaintiffs contend that the Northern District model order (with a single tier “Confidential” designation) is just right for cases like this. Defendants want enhanced protection through two, additional, higher-level tiers: “Confidential – Limited” and “Attorneys’ Eyes Only.”

Plaintiffs cite to a number of civil rights/police misconduct cases in the Northern District where the court rejected defendants’ arguments for one or more higher-level designations and concluded that the model order’s single “Confidential” designation struck the proper balance between protection of information and the interest of justice.

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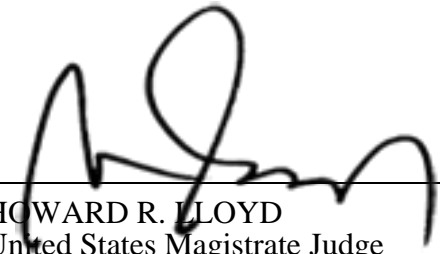
In support of their position, defendants here say that there have been cases in the past where relatives or friends of the alleged victims of claimed police misconduct have made threats on social media sites against the officers involved in those cases. They also cite to privacy rights, to potential disclosure of personal identifiers (such as date of birth or Social Security number), and to the so-called state official information privilege.

The specter of threats to officers in this case is just speculation and the possibility that something like that could occur is not a basis for enhanced protection of discovery information. Privacy rights must give way to legitimate litigation interests. Personal identifiers should, of course, be redacted. And, the court makes no ruling here about possibly privileged information.

The parties shall submit forthwith a proposed protective order that follows the Northern District’s model order with a single designation of “Confidential.”

SO ORDERED.

Dated: February 28, 2018



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HOWARD R. LLOYD  
United States Magistrate Judge