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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

SHARI BARMAN, JANE STRATTON
and PAMELA MORGAN,

Plaintiffs,

v.

COUNTY OF SAN DIEGO,
MARSHALL ABBOTT, and DOES 1-30,

Defendants.

No. 09cv2854-DMS (JMA)

ORDER TO RELEASE DOCUMENTS
AND PROTECTIVE ORDER

IT IS HEREBY ORDERED that the following portion of San Diego County Sheriff's Internal Affairs Report No. 2009-139.1 will be released to Plaintiffs Shari Barman, Jane Stratton and Pamela Morgan: items 1 and 2, as listed in the IA Index (IA Investigation Report, pages 1-21, IA Synopsis, Analysis, Conclusions and Findings, pages 1-12), and that all records so released are subject to the following restrictions:

1. Plaintiffs and their attorney shall not disclose the contents of the documents, or provide the documents or copies of the documents or the substance of the documents or electronically disseminate the documents or data extracted from the documents, to anyone except as authorized below.

2. The documents to be utilized in further discovery or proceedings are to be designated by the County of San Diego as "Confidential Materials." Such designation

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1 shall be made by the County of San Diego by stamping or otherwise marking the material
2 prior to use in this litigation as follows: “Confidential,” or some marking to that effect.

3 3. Confidential Material shall be used solely in connection with this litigation
4 and the preparation and trial of this case, or any related appellate proceeding, and not for
5 any other purpose including any other litigation. Any party receiving a subpoena or other
6 request for production of the confidential material will, prior to producing any such
7 material, promptly notify counsel for all parties hereto of such, giving them reasonable
8 notice and an opportunity to oppose such production.

9 4. Confidential material may be disclosed only to the following persons:

10 (a) counsel for any party to this action;

11 (b) paralegal, stenographic, clerical, secretarial personnel employed by
12 counsel referred to in (a);

13 (c) court personnel including stenographic reporters engaged in such
14 proceedings as are necessarily incidental to preparation for the trial of
15 this action;

16 (d) any outside expert or consultant retained in connection with this
17 action, and not otherwise employed by either party;

18 (e) any “in house” expert designated by the County to
19 testify at trial in this matter.

20 Nothing in this paragraph (4) is intended to prevent officials or employees of the
21 County of San Diego or other authorized government officials from having access to
22 these documents if they would have had access in the normal course of their duties.
23 Further, nothing in this order prevents a witness from disclosing events or activities
24 personal to them, i.e., a witness can disclose to others previous information given to the
25 County of San Diego with respect to what he or she saw, heard, or otherwise sensed.

26 5. Each person to whom disclosure is made, with the exception of counsel who
27 are presumed to know of the contents of this protective order, shall prior to the time of
28 disclosure be provided by the person furnishing him/her such material a copy of this

1 order, and shall agree on the record or in writing that he/she has read the protective order,
2 and that he/she understands the provisions of the protective order. Such person also must
3 consent to be subject to the jurisdiction of the United States District Court, for the
4 Southern District of California, with respect to any proceeding relating to enforcement of
5 this order, including without limitation, any proceeding for contempt. Unless made on
6 the record in this litigation, counsel making disclosure to any person described above
7 shall retain the original executed copy of said agreement until final termination of this
8 litigation.

9 6. At the conclusion of the trial and of any appeal or upon other termination of
10 this litigation, all Confidential Material received under the provisions of the order
11 (including any copies made) shall, unless it is part of the Court's record, be returned to
12 the County of San Diego upon request. Provisions of this order insofar as they restrict
13 disclosure and use of the material shall be in effect until further order of this Court.

14 7. The foregoing is without prejudice to the right of any party: (a) to apply to
15 the Court for a further protective order relating to any Confidential Material or relating to
16 discovery in this litigation; (b) to apply to the Court for an order removing the
17 Confidential Material designation from any documents; and (c) to apply to the Court for
18 an order compelling production of documents or for modification of this order or for any
19 order permitting disclosure of Confidential Material beyond the terms of this order.

20 8. Subject to public policy, and further court order, nothing shall be filed under
21 seal, and the Court shall not be required to take any action, without separate prior order
22 by the Judge before whom the hearing or proceeding will take place, after application by
23 the affected party with appropriate notice to opposing counsel.

24 If the Court grants a party permission to file an item under seal, a duplicate
25 disclosing all nonconfidential information, if any, shall be filed and made part of the
26 public record. The item may be redacted to eliminate confidential material from the
27 document. The document shall be titled to show that it corresponds to an item filed under
28 seal, e.g., "Redacted Copy of Sealed Declaration of John Smith in Support of Motion for

1 Summary Judgment." The sealed and redacted documents shall be filed simultaneously.

2 9. Nothing in this Order shall preclude a party from showing or disclosing to
3 any person not listed in paragraph 4 of this Order, deposition transcripts, pleadings or
4 briefs containing Confidential Material if the document containing such materials has
5 been masked or deleted so that no disclosure of Confidential Material occurs.

6 IT IS SO ORDERED.

7 DATED: June 8, 2010


8 HONORABLE JAN M. ADLER
9 United States Magistrate Judge

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