

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DWAYNE WHITE, *as Administrator of the*
Estate of Bradley C. Scarpi,)

Plaintiff,)

v.)

RICHARD WATSON, ST. CLAIR COUNTY,))
MARK J. HARRIS, BRIAN D.))
CUNNINGHAM, RODNEY WILSON,))
CHRISTOPHER LANZANTE, DANTE S.))
BEATTIE, and NICOLE LIEBIG,)

Defendants.)

Case No. 3:16-cv-560-JPG-DGW

ORDER

WILKERSON, Magistrate Judge:

This matter comes before the Court on the Motion for Protective Order filed by Defendants, County of St. Clair, *et al.* (Doc. No. 45). The motion is **GRANTED**.

The motion seeks protection of still photographs and other materials generated during the course of an inspection of the St. Clair County Jail pursuant to a Federal Rule of Civil Procedure 34 Request to Inspect. Specifically, the records to be protected consist of:

1. Still photographs taken of the interior or exterior of the St. Clair County Jail.
2. Hand-written notes or other documentary materials received or produced in the course of the St. Clair County Jail Inspection.

The Parties stipulate that the materials generated during the St. Clair County Jail inspection will only be used for the purposes of this litigation, and that this Protective Order will secure the materials from unauthorized disclosure. The Court finds that good cause exists for issuance of this Protective Order, and that entry of this Order is appropriate pursuant to Federal Rule of Civil

Procedure 26(c).

THEREFORE, THE COURT ORDERS:

During the course of this litigation, it may be necessary for the parties or their attorneys to produce photographs or notes depicting or regarding the St. Clair County Jail, thus creating a cognizable interest in protecting the privacy and security of the St. Clair County Jail and its detainees and employees, and therefore:

- a) All materials generated during the St. Clair County Jail inspection shall be used for the sole purpose of preparing for or conducting this litigation, including, but not limited to investigation, consultation, discovery, depositions, trial preparation, trial, appeal, resolution, mediation, or uses incidental to the proceeding in the case and shall not be disclosed or revealed to anyone not authorized by this Protective Order.
- b) The materials protected by this order may be disclosed without further notice by any covered party or parties' attorney to: the parties themselves, parties' attorneys, law students working under the direction of attorneys', experts, consultants, court reporters, as well as the professional and support staff of all of the above.
- c) The parties agree that the materials generated pursuant to the Rule 34 inspection and this Protective Order will be kept confidential by any person to whom they are disclosed.
- d) The parties, and each entity governed by this Order shall either (i) destroy, or (ii) return to the entity who originally produced it all protected information, including all copies made, provided, however, that said protected information may be retained in the files of the entities listed in paragraph (a) above and may be destroyed pursuant to their regular file retention policies so long as the protected records are maintained in a secure environment.
- e) The parties agree that no photographs shall be taken or maintained of the faces, badges, uniforms, or jumpsuits of any individual residing or working in the St. Clair County Jail, including any state detainees, federal detainees, correctional officers, or Sheriff's Department support staff, in the interest of protecting and preserving their individual privacy.

DATED: April 5, 2017



DONALD G. WILKERSON
United States Magistrate Judge