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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **WESTERN DIVISION**

11	ALEJANDRO RODRIGUEZ, et al.,)	No. CV 07-3239-TJH (RNBx)
12)	
13	Petitioners,)	[PROPOSED] STIPULATED
14)	PROTECTIVE ORDER
14	v.)	CONCERNING ROSTER OF
15	TREY LUND, et al.,)	DETAINEES
16)	
16	Respondents.)	Honorable Terry J. Hatter
17	_____)	

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1 IT IS HEREBY ORDERED that Respondents are authorized and ordered to
2 produce to Petitioners' counsel, subject to the instant protective order, a roster of
3 the names, alien numbers, locations, and attorney contact information, if any, for
4 all immigration detainees detained for six months or longer in the Central District
5 of California. This information will be obtained by searching government
6 computer systems. The production shall occur within seven (7) court days of entry
7 of this order and an order certifying the class.¹ This information may be released
8 to Petitioners' counsel without Respondents obtaining prior written consent of
9 those individuals whose names and other identifying information may be present in
10 that production. Such disclosure is subject to the following conditions:

11 1. The terms of this Stipulated Protective Order will govern
12 Respondents' entire production of information regarding the names, alien numbers,
13 locations, and attorney contact information, if any, for all immigration detainees
14 detained for six months or longer in the Central District of California, as well as
15 the safeguarding of such information by all individuals referenced in paragraph 5.

16
17 2. Respondents' production of the names, alien numbers, locations, and
18 attorney contact information, if any, for all immigration detainees detained for six
19 months or longer in the Central District of California is appropriately deemed
20 "Confidential" information, as defined infra at paragraph 3. Such "Confidential"
21 information is subject to the restrictions of this Protective Order and may be used
22 solely for purposes of this litigation.

23 _____
24 ¹ Petitioner believes that the Court should order production of this information
25 regardless of whether or not it certifies the class, because Petitioner believes the
26 Court's minute order of Monday, March 22, 2010 requires production of this
27 information regardless of whether or not the class is certified. Respondents,
28 however, believe that, consistent with Respondents' position on this matter, the
Court expressed its intent at the March 22, 2010 status conference to certify the
class prior to requiring disclosure of the information at issue in this order. The
parties request that the Court clarify this issue (unless it is rendered moot by entry
of an order certifying the class prior to entering this protective order).

1 3. “Confidential” is defined as any information contained in the roster of
2 names and other information to be produced by Respondents, the use of which
3 would allow the identification of the person to whom the information relates.
4 “Confidential” information includes the names, alien numbers, or any other
5 identifying information which would allow the identification of the person to
6 whom the information relates.

7 4. Respondents will affix to the production of any “Confidential”
8 information the words “CONFIDENTIAL” “THIS DOCUMENT IS SUBJECT TO
9 A COURT ORDER IN THE RODRIGUEZ, ET AL. v. LUND, ET AL., No.
10 07-cv-3239 (C.D. Cal.) CASE. THIS DOCUMENT AND ITS CONTENTS
11 SHALL NOT BE USED, SHOWN OR DISTRIBUTED EXCEPT AS PROVIDED
12 IN THE PROTECTIVE ORDER.”

13 5. Information designated as “Confidential,” including the document
14 containing “Confidential” information, may be disclosed only to the following
15 persons and only to the extent necessary for the prosecution of this action:

- 16 a. current and future counsel for Petitioners and Respondents and any
17 support staff and other employees of such counsel assisting in this action with an
18 appropriate need to know;
- 19 b. the Court and its personnel, including court reporters; and
- 20 c. any other person mutually authorized by all counsel to examine such
21 information, subject to paragraph 7 infra.

22 6. All persons listed in Paragraph 5(a) to whom “Confidential”
23 information is disclosed are hereby prohibited from disclosing to, or otherwise
24 discussing with, any person other than those listed in 5(a)-(c), any information
25 designated as “Confidential,” except as provided in this Stipulated Protective
26 Order.

27 7. All persons listed in Paragraphs 5(c) to whom “Confidential”
28 information is disclosed shall first be required to read the terms of this Stipulated

1 Protective Order and sign a copy of the Acknowledgment of Protective Order
2 form, attached hereto as Exhibit A, agreeing to be bound thereby. The signed
3 Acknowledgment forms shall be maintained by counsel for Respondents.

4 8. Any filings by Petitioners with the Court which contain
5 “Confidential” information shall be made under seal, unless a release is obtained
6 from the individual to whom the “Confidential” information pertains authorizing
7 the disclosure of such information, or the “Confidential” information is
8 appropriately redacted to prevent identifying information from being disclosed.

9 9. No “Confidential” information shall be used by Petitioner at any
10 hearing, trial or appellate proceeding in this action, unless provision shall be made
11 for exclusion of the public, permission is obtained from the individual to whom the
12 “Confidential” information pertains authorizing the disclosure of such information,
13 the “Confidential” information is appropriately redacted to prevent identifying
14 information from being disclosed, or, by agreement of the parties, some other
15 reasonable provision to protect “Confidential” information has been made. Where
16 “Confidential” information is used by Petitioners at a hearing, trial or appellate
17 proceeding in this action, the appropriate portion of the Court transcript containing
18 such “Confidential” information shall be placed under seal. Such designation shall
19 be limited to those portions of the transcript the sealing of which is reasonably
20 necessary to preserve the “Confidential” information described therein.

21
22 10. Within ten (10) days of the Court’s having decided that some
23 “Confidential” information relates to people who are not class members, Counsel
24 for Petitioners shall destroy the information related to non-class members, and
25 certify in writing to Counsel for Respondents that such information has been
26 destroyed. In addition, if the Parties mutually agree that some “Confidential”
27 information relates to people who are not class members, Counsel for Petitioners
28 shall destroy information related to those people within ten (10) days of their

1 mutual decision, and Counsel for Petitioners' shall certify in writing to Counsel for
2 Respondents that such information has been destroyed. Counsel for Petitioners
3 shall maintain all remaining "Confidential" information pursuant to the terms of
4 this Stipulated Protective Order, subject to further order by this Court. Counsel for
5 Petitioners shall notify counsel for Respondents of an inadvertent disclosure of
6 information concerning any individual who is not a class member and shall destroy
7 information related to such individuals consistent with the terms of this Paragraph.

8
9 11. Nothing in this Order shall be construed as a waiver of any defense,
10 right or claim by Respondents, nor shall this Order affect the right of Respondents
11 to seek additional protection against the disclosure of any documents or materials.

12 12. Any party may apply to this Court at any time, upon proper notice, for
13 a modification of this Stipulated Protective Order with respect to the handling or
14 designation of any document or for any other purpose.

15 13. Nothing in this Order shall preclude the disclosure of any information
16 described in paragraph 3 with respect to a detainee who consents to the disclosure
17 of that information.

18 14. This Order shall be binding upon any present or future party to the
19 Rodriguez, et al. v. Lund, et al., No. 07-cv-3239-TJH (RNBx) (C.D. Cal.),
20 litigation.

21 15. This Order shall be effective and enforceable upon entry by the Court.

22 Dated: March 30, 2010

Dated: March 30, 2010

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24 It is so ORDERED.

25 DATED: April 19, 2010

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27 HONORABLE TERRY J. HATTER, JR.
28 Senior U.S. District Court Judge