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18 **UNITED STATES DISTRICT COURT**
19 **EASTERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION**
20

21 PRISON LEGAL NEWS, a project of the
HUMAN RIGHTS DEFENSE CENTER)

22 Plaintiff,)

23 vs.)

24 COUNTY OF SACRAMENTO; SCOTT R.)
25 JONES, individually and in his capacity as)
26 Sheriff of the County of Sacramento; DOES 1-)
20, in their individual and official capacities,)

27 Defendant)
28

Case No.: 2:11-cv-00907-JAM -DAD

STIPULATED PROTECTIVE ORDER

L.R. 141.1

1 Defendants COUNTY OF SACRAMENTO and SCOTT JONES (collectively hereafter
2 “Defendants”) in good faith believe that certain documents relevant to the above-captioned case
3 contain information that is (a) confidential, sensitive, or potentially invasive of an individual’s
4 privacy interests; (b) not generally known; and (c) not normally revealed to the public or third
5 parties, or if disclosed to third parties, would require such third parties to maintain the
6 information in confidence. These confidential documents include, but are not limited to, the
7 following:

- 8 1. Video of Prisoners/Inmates manufacturing weapons in jail
- 9 2. Photographs of weapons made by inmates at the Main Jail and/or Rio Cosumnes
10 Correctional Center (“RCCC”)

11 The documents to be kept confidential were made for purposes of training Sacramento
12 Sheriff’s deputies that work in the Main Jail and RCCC. These documents are for internal use by
13 the department only. Publication of these documents would threaten the safety and security of
14 Sacramento County’s as well as other, penal institutions. Further, although the video makes
15 every effort to conceal the faces of the featured individuals, there is no way to guarantee that
16 these individuals could not be identified based on other features or markings. Publication of the
17 video footage would threaten the safety and security of the individuals cooperating with law
18 enforcement and demonstrating how various weapons can be made in a penal institution.
19 According to Plaintiff’s website, the majority of its subscribers are state and federal prisoners.
20 Plaintiff’s publication aims to provide information to prisoners and others concerned about
21 prisoner rights regarding various issues including, but not limited to, prison conditions,
22 disciplinary hearings, excessive force, mail censorship, jail litigation, and retaliation. Due to the
23 sensitive nature of the documents to be disclosed, Defendants hereby request disclosure be
24 governed by a court-ordered protective order. Defendants believe a court order, not a private
25 agreement, properly facilitates the limited disclosure of such documents while protecting them
26 from general disclosure.

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1 Subject to approval of this Court, the parties by and through their counsels of record
2 hereby stipulate that the documents described herein contain protected information and may only
3 be disclosed and/or produced subject to the following Protective Order:

4 1. The disclosed documents shall be used solely in connection with the civil case
5 *Prison Legal News v. Jones et al.*, Case No. 2:11-cv-00907-JAM-DAD (U.S. District Court,
6 Eastern District of California), and in preparation and trial of the case or any related proceeding.
7 Defendants do not waive any objection to the admissibility of the documents or portions thereof
8 in future proceedings in this case, including trial.

9 2. All Protected information produced and designated as confidential hereunder shall
10 have stamped or affixed on each page that contains Protected information “CONFIDENTIAL”
11 and “DO NOT DUPLICATE,” providing that such marking does not obscure or obliterate the
12 content of any record. Stamping or affixing “CONFIDENTIAL” on the cover of any multi-page
13 document shall designate all pages of the document as confidential, unless otherwise indicated
14 by the producing party. If any confidential materials cannot be labeled with this marking, those
15 materials shall be placed in a sealed envelope or other container that is in turn stamped or affixed
16 “CONFIDENTIAL” and “DO NOT DUPLICATE.”

17 3. Documents or materials designated under this Protective Order as
18 “CONFIDENTIAL” may only be disclosed to the following persons:

19 a. Counsel for the receiving party, including paralegal, clerical, and
20 secretarial staff, and other associated personnel employed by such counsel;

21 b. Plaintiff, provided that such review by Plaintiff occurs in the presence of
22 its counsel of record and that Plaintiff is not provided with or allowed to maintain a copy,
23 electronic or otherwise, of any documents designated by Defendants as subject to this
protective order;

24 c. Experts and consultants who are requested by counsel of the receiving
25 party to furnish technical, legal, expert, or other specialized services in connection with
this litigation;

26 d. An officer before whom a deposition is taken, including stenographic
27 reporters and any necessary secretarial, clerical, or other lay personnel of such officer;
and

28 e. Any other person to whom the parties agree in writing or as allowed by the
Court.

1 4. Prior to disclosure of any protected information to any person identified in
2 paragraph 3 and its subparts, each such recipient shall be provided with a copy of this Stipulated
3 Protective Order, and shall review it, and sign the form attached hereto as "Attachment A."

4 5. Should any protected material be included in any papers to be filed, the parties
5 agree that they will seek permission from the Court to file the Confidential information under
6 seal according to Local Rule 141. If permission is granted, the Confidential information will be
7 filed and served in accordance with Local Rule 141.

8 6. If any protected document or information is used or disclosed during the course of
9 a deposition, that portion of the deposition record reflecting such material shall be stamped with
10 the appropriate designation and access shall be limited pursuant to the terms of this Stipulated
11 Protective Order. The court reporter for the deposition shall mark the deposition transcript cover
12 page and all appropriate pages or exhibits and each copy thereof in accordance with paragraph 2
13 of this Stipulated Protective Order. Only individuals who are authorized by this Protective Order
14 to see or receive such material may be present during the discussion or disclosure of such
15 material.

16 7. Protected information produced pursuant to this Protective Order may not be
17 delivered, exhibited, or otherwise disclosed to any reporter, writer, or employee of any trade
18 publication, newspaper, magazine, or other media organization, including but not limited to radio
19 and television media. This provision does not preclude the disclosure of protected information to
20 employees of the parties in this matter subject to the provisions of Paragraph 3(b).

21 8. All persons obtaining access to documents or materials designated under this
22 Protective Order as Confidential shall use such material only for purposes of this action,
23 including any appeal of the Court's ruling, and shall not use such documents or materials for any
24 other purpose, including the furtherance of that person's business or personal interests.

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1 9. If protected information produced in accordance with this Order is disclosed to
2 any person other than in the manner authorized by this Order, the party responsible for the
3 disclosure shall immediately bring all pertinent facts relating to such disclosure to the attention
4 of all counsel of record and, without prejudice to other rights and remedies available to the
5 producing party, make every effort to obtain the return of the disclosed protected information
6 and prevent further disclosure of it by the person who was the recipient of such information.

7 10. No information shall lose its confidential status because it was disclosed
8 inadvertently or unintentionally to a person not authorized to receive it under this Protective
9 Order or improperly marked in accordance with paragraph 2.

10 11. This Order shall survive to the final termination of this action including any and
11 all appeals therefrom. After conclusion of this litigation, all documents and materials, in
12 whatever form stored or reproduced, containing protected information will remain confidential.
13 Unless otherwise agreed to or ordered by the Court, within ninety (90) days following the
14 running of any applicable time to appeal any order or ruling entered in this action, attorneys for
15 the receiving party shall either (i) return to the producing party all copies of all protected
16 materials disclosed by them pursuant to Paragraph 3, or (ii) certify to the producing party that all
17 such materials have been destroyed.

18 12. This Order may be changed only by the written agreement of the parties or further
19 order of the Court, and is without prejudice to the rights of a party to seek relief from or variation
20 of any of its provisions.

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22 IT IS SO STIPULATED.

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24 Dated: August 18, 2011

LONGYEAR, O'DEA & LAVRA, LLP

25
26 /s/ Amanda L. Butts

27 JOHN LAVRA
28 AMANDA L. BUTTS

1 Dated: August 18, 2011

ROSEN, BIEN & GALVAN, LLP

2 /s/ Blake Thompson

3 ERNEST GALVAN
4 BLAKE THOMPSON

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6 Dated: August 19, 2011

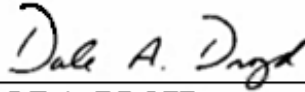
HUMAN RIGHTS DEFENSE CENTER

7 /s/ Lance Weber

8 LANCE WEBER

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10 IT IS SO ORDERED.

11 **Date: 8/23/2011**

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14 DALE A. DROZD
15 UNITED STATES MAGISTRATE JUDGE

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