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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Terrence Bressi,

Plaintiff,

v.

Pima County Sheriff Mark Napier, et al.

Defendants.

No. CV-18-186-TUC-DCB

PROTECTIVE ORDER

The Parties’ Stipulation for Protective Order (Doc. 69) is before the Court. For good cause appearing,

IT IS ORDERED:

That the Parties’ Stipulation for Protective Order (Doc. 69) is GRANTED.

The Federal Defendants may disclose records that contain sensitive law-enforcement information or are subject to the Privacy Act. The Court, under Fed. R. Civ. P. 26(c)(1)(B) and (G), requires the parties to protect records that contain sensitive law-enforcement information or records subject to the Privacy Act or as follows:

TERMS OF PROTECTIVE ORDER

1. **Scope of Protective Order.** This protective order protects from disclosure:
 - a. Sensitive law-enforcement information that would be protected from public disclosure under the Freedom of Information Act, 5 U.S.C. § 552(b)(7).
 - b. The date of birth, social security number, home address, or other sensitive personal information not germane to this litigation of any individual.

1 c. All information that is derived from protected information, even if
2 incorporated into another document or compilation or referred to in
3 testimony, is protected information; provided, however, that summaries or
4 statistical compilations of the documents and information described in
5 paragraphs (a) and (b) above that do not contain information by which
6 specific individuals can be identified are not covered by this protective
7 order.

8 2. **Use of Marked Records.** The U.S. Attorney's Office shall mark any of the
9 records identified by the Federal Defendants and containing sensitive law-enforcement
10 information or subject to the Privacy Act as "PRODUCED SUBJECT TO PROTECTIVE
11 ORDER" or "SUBJECT TO PROTECTIVE ORDER." Those marked records may be
12 used only for purposes of litigation in *Bressi v. Napier et al.*, CV-18-186-TUC-DCB. This
13 protective order applies only to those marked records disclosed to Plaintiff by the Federal
14 Defendants in this litigation pursuant to Federal Rules of Civil Procedure 26 and 34. If
15 any documents disclosed pursuant to this protective order are independently obtained from
16 some other source, those copies are not subject to this protective order.

17 3. **General Rule—No Public Disclosure of Marked Records.** Except as provided
18 below, the parties shall not disclose those marked records without a further court order.

19 4. **Use of Records by Parties.**

20 The parties may disclose records marked as subject to this protective order only to
21 a. their attorneys of record in this case;
22 b. the other parties in this case;
23 c. the other parties' attorneys of record in this case; and
24 d. a person retained to serve as an expert witness, provided that such
25 disclosure is reasonably and in good faith calculated to aid in litigating this
26 case.

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1 Attorneys of record in this case may disclose the marked records to their associates,
2 secretaries, paralegal assistants, and other employees to the extent reasonably necessary
3 to render professional services in this case.

4 Before a party or attorney of record in this case discloses records marked as subject
5 to this protective order, the disclosing party or attorney shall inform whoever is receiving
6 the marked records of this protective order and obtain their agreement to comply with it.

7 **5. Filing Marked Records Under Seal.** Any party who wishes to file records that
8 are marked as subject to this protective order shall file those marked records under seal,
9 unless this Court has already ruled that a document is not subject to this protective order.
10 The party may then move the Court to unseal the record if the party believes the document
11 does not meet legal standards for remaining under seal.

12 **6. Destruction of Marked Records.** Within 45 days after this case terminates,
13 including any appeals, plaintiff, counsels of record, parties, or other receiving individuals
14 (of protected records) shall destroy any records that are marked as subject to this protective
15 order; provided, however, that no party is required to destroy any document that has been
16 filed with this Court or with a court of appeals of competent jurisdiction in connection
17 with this case, or as necessary to be retained as per attorney ethical obligations.

18 **7. Modifying this Protective Order.** A party may move to modify the terms of this
19 protective order at any time, and may oppose any motion to modify filed by another party.

20 **8. No Liability for Unauthorized Disclosure.** Neither the United States, nor any
21 of its officers, employees, or attorneys, is responsible or liable under the Privacy Act for
22 any unauthorized disclosure of any documents obtained under this protective order, or of
23 any information contained in the documents for documents that originated from the
24 Federal Defendants.

25 **9. No Ruling on Discoverability.** This protective order does not constitute any
26 ruling on the question whether any particular document or category of information is
27 properly discoverable and does not constitute any ruling on any potential objection to the
28 discoverability, relevance, or admissibility of any record.

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10. No Application to Other Sensitive or Privileged Documents. The terms and conditions set forth in this protective order do not apply to the disclosure of any classified national security information or any information subject to a claim of privilege or other basis of exclusion. This protective order is not precedent for adopting any procedure.

11. No Unnecessary Redactions. Nothing in this protective order shall be interpreted to independently justify the redaction of information from documents disclosed under its terms. If the Federal Defendants believe they have responsive documents that contain information that is not discoverable pursuant to a legal privilege, they may disclose documents with the privileged information redacted, but withholding of any responsive information (including redacting documents) must be done in compliance with the requirements of Federal Rule of Civil Procedure 34, whether or not the documents are disclosed under this protective order.

Dated this 16th day of June, 2020.



Honorable David C. Bury
United States District Judge