

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Johnny Wheatcroft, et al.,
Plaintiffs,
v.
City of Glendale, et al.,
Defendants.

No. CV-18-02347-PHX-SMB
ORDER

Pursuant to the parties Joint Motion for Protective Order (Doc. 42) the Court so
ORDERS:

1. The City of Glendale, Matt Schneider, Mark Lindsey, and Michael Fernandez (collectively “Defendants”) will produce certain information and documents through discovery in this case that contain the identification of a police officer who is the complainant in an internal workplace harassment complaint within the Glendale Police Department (“Officer”). The Officer requested that her identity be kept confidential and not available for dissemination to the general public, including the media. The parties are in agreement that her identity should be so kept confidential. The documents that contain the Officer’s identity include the following: disciplinary memos, audio recorded interviews and transcripts of interviews, complaint reports, complaints, allegations summaries, Notices of Investigation, and an event timeline related to Complaint No. 2017-055 (“Confidential Items”). Accordingly, the Parties have entered into a Joint

1 Motion for Protective Order (“Stipulation”) for the purpose of protecting the identity of
2 the Officer from disclosure.

3 2. The Parties shall designate the items containing the Officer’s information as
4 confidential by typing, stamping, or otherwise affixing the word “CONFIDENTIAL” on
5 such Confidential Items. Typing, stamping, or otherwise affixing the word
6 “CONFIDENTIAL” on the first page of a multi-page document, or the first page of a
7 collection of documents that are bound or attached together in any manner, shall have the
8 effect of designating the entirety of same as confidential.

9 3. The portions of the Confidential Items that the Defendants agreed to produce
10 shall be produced without redaction, subject to any statutory or other legal requirements
11 limiting or prohibiting disclosure (e.g., police officer addresses, home phone numbers,
12 social security numbers). Production of the Confidential Items shall not be construed as
13 an admission that they are relevant or admissible for purposes of trial or ruling on any
14 dispositive motions.

15 4. Except with prior written consent from the Defendants or the Court,
16 Confidential Items, or any information contained in Confidential Items, may not be
17 disclosed to any person other than the following:

18 a. The United State District Court - District of Arizona, and any court having
19 jurisdiction of any appeal therefrom, as well as the Court’s staff and such employees of the
20 Clerk of the Court as directed by the Clerk or the presiding judge, provided, however, that
21 such Confidential Items be filed under seal. This paragraph shall not be interpreted to allow
22 for the public filing of any items containing confidential information;

23 b. The Parties, the Parties’ counsel of record, and said counsel’s partners,
24 associates, paralegals, secretaries, and other office staff who have direct functional
25 responsibility in representing the parties in this matter;

26 c. Any mediator or a settlement conference Judge or Magistrate assigned or
27 retained to mediate this litigation;
28

1 d. Consultants and experts retained for the purpose of assisting the Parties in
2 preparation and/or trial of this matter; and

3 e. Deposition and/or trial witnesses in this matter during the course of their
4 deposition and/or trial testimony.

5 5. Any person (other than the Court or its employees) to whom these items are
6 to be disclosed shall first be advised by counsel making the disclosure that these documents
7 are subject to this Protective Order, and any such person shall be given a copy of this
8 Protective Order and instructed that they are bound by it. In the event that such person
9 does not agree to be bound by the terms of this Protective Order, such person shall not be
10 given the Confidential Items.

11 6. Any Parties' counsel may designate as confidential any portion of the
12 transcript of any deposition at which a Confidential Item was marked as an exhibit or
13 discussed. Such designation shall be given orally upon the record during the course of the
14 deposition and must be memorialized in a writing served upon all other counsel. When
15 such a designation is made, the entire deposition shall be treated as confidential, pending
16 transcription of the deposition and signing by the deponent. Thereafter, counsel designating
17 a portion or portions of the transcript of the deposition as Confidential shall designate on
18 the transcribed deposition the portion or portions, which involve the Confidential Items
19 and which shall be treated as confidential. Designating counsel shall communicate, in
20 writing, the designations to all other counsel. Any party shall retain the right to challenge
21 the designation of any part of a deposition transcript as Confidential.

22 7. Any exhibit or other paper filed with the Court that is comprised, in whole
23 or in part, of Confidential Items, or other paper that consists of or makes reference to any
24 information derived from Confidential Items, shall be filed in sealed envelopes, on which
25 shall be endorsed the caption of this action and a statement substantially in the following
26 form:
27

28 **CONFIDENTIAL: This envelope contains information that is subject to a**

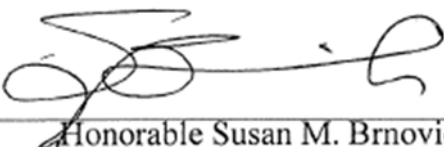
1 **stipulated protective order governing the use of confidential material.**

2 8. At the conclusion of this action, including any and all appeals, all
3 Confidential Items, and all copies thereof (hard copy or electronic), shall be either: 1)
4 returned to counsel for the Defendants; or 2) destroyed. Counsel for the Plaintiffs shall
5 provide to the Defendants an affidavit stating that such Confidential Items have been
6 returned or destroyed.

7 9. Any confidential designation made in any manner provided herein shall
8 constitute a representation by counsel to the Court that the designation is made in good
9 faith and in the belief that the material so designated constitutes confidential material.

10 10. In the event that any Party or counsel for any Party receives a request to
11 disclose or produce all or any part of the Confidential Items pursuant to a subpoena or
12 Order issued by a Court or governmental body, counsel for that Party agrees to immediately
13 notify all Parties of the request or Order.
14

15 Dated this 22nd day of May, 2019.

16
17
18 
19
20 Honorable Susan M. Brnovich
United States District Judge