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CITY OF RIVERSIDE  
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Jbrown@riversideca.gov

Attorneys Specially Appearing for  
RIVERSIDE POLICE DEPARTMENT

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

JOSE LUIS NAZARIO, JR., et al.,  
Defendant.

CASE NO. ED CR 07-127-SGL

APPLICATION AND  
STIPULATION FOR  
PROTECTIVE ORDER  
REGARDING DISCLOSURE OF  
INFORMATION FROM LAW  
ENFORCEMENT PERSONNEL  
RECORDS

and

~~[proposed]~~ ORDER THEREON

Counsel for parties, having conferred concerning this matter have reached a resolution, hereby apply for and stipulate to the following **Protective Order**:

1. Counsel specially appearing for Riverside Police Department shall provide to counsel for plaintiff and defendant a copy of defendant's personnel file as subpoenaed by plaintiff.

///

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2009 AUG 18 10:50 AM  
CLERK, U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
RIVERSIDE

1           2. Counsel shall not convey, transfer, publish, distribute, copy, duplicate or  
2 disseminate the information so provided except as may be reasonably necessary for  
3 the prosecution or defense of this litigation.

4           3. Prior to the dissemination of any such information pursuant to this order,  
5 counsel shall inform such person of the terms and conditions of this order and  
6 secure such person's agreement to be bound by it.

7           4. Counsel and investigators, consultants and experts, are expressly  
8 prohibited from utilizing the disclosed information for any purpose other than the  
9 prosecution or defense of USA v. NAZARIO, Case No. ED CR 07-127-SGL and  
10 the information disclosed shall not be utilized in any other proceeding or litigation,  
11 or for any other purpose.

12           5. Counsel and investigators, consultants and experts are expressly  
13 prohibited from disclosing orally or otherwise the information subject to this  
14 Protective Order to any person other than those who are reasonably necessary for  
15 the prosecution or defense of USA v. NAZARIO, Case No. ED CR 07-127-SGL.

16           6. Counsel and investigators, consultants and experts, are expressly  
17 prohibited from duplicating, copying or otherwise distributing or disseminating  
18 any of the disclosed information to any person or entity.

19           7. Counsel for each party shall take reasonable precaution to prevent the  
20 unauthorized or inadvertent disclosure of any of the protected information.

21           8. In the event anyone shall violate or threaten to violate any terms of this  
22 Protective Order, the aggrieved party may immediately apply to obtain injunctive  
23 relief and monetary sanctions to this court against any such person violating or  
24 threatening to violate any of the terms of this order. This court shall retain  
25 jurisdiction over the parties and any other persons subject to the terms of this order  
26 for the purpose of enforcing this order. The court shall have the power to impose  
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whatever penalties it deems appropriate for the violation of said order, including, but not limited to, monetary and judicial sanctions and contempt.

9. This order shall survive the final termination of this action, to the extent that the information disclosed remains confidential and does not become known to the public, and the court shall retain jurisdiction to resolve any dispute concerning the use of the information disclosed herein.

10. Counsel agree that all copies will be returned to the Riverside City Attorney's Office at the conclusion of this case.

11. This stipulated protective order is without prejudice to further requests for information from law enforcement personnel files or objections thereto.

DATED: 13 AUG 08

UNITED STATES ATTORNEY'S OFFICE

By: Charles J. Kovats, Jr.  
Charles J. Kovats, Jr. Assistant USA  
Attorney for Plaintiff

DATED:

KEVIN B. MCDERMOTT LAW OFFICES

By: Kevin B. McDermott  
Kevin B. McDermott  
Attorney for Defendant  
Jose Luis Nazario, Jr.

DATED:

CITY ATTORNEY'S OFFICE

By: James E. Brown,  
James E. Brown, Supervising Deputy City  
Attorney  
Attorney Specially Appearing for Riverside  
Police Department

APPLICATION AND STIPULATION FOR PROTECTIVE ORDER REGARDING DISCLOSURE OF INFORMATION FROM LAW ENFORCEMENT PERSONNEL RECORDS and [ proposed ] ORDER THEREON

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10 for information from law enforcement personnel files or objections thereto.

11 DATED: UNITED STATES ATTORNEY'S OFFICE

12  
13 By: Charles J. Kovats, Jr. Assistant USA  
14 Attorney for Plaintiff

15  
16 DATED: 8/13/08 KEVIN B. MCDERMOTT LAW OFFICES

17  
18 By: [Signature]  
19 Kevin B. McDermott  
20 Attorney for Defendant  
Jose Luis Nazario, Jr.

21 DATED: CITY ATTORNEY'S OFFICE

22  
23 By: James E. Brown, Supervising Deputy City  
24 Attorney  
25 Attorney Specially Appearing for Riverside  
26 Police Department

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11 DATED: UNITED STATES ATTORNEY'S OFFICE

12  
13  
14 By: \_\_\_\_\_  
15 Charles J. Kovats, Jr. Assistant USA  
16 Attorney for Plaintiff

17 DATED: KEVIN B. MCDERMOTT LAW OFFICES

18 By: \_\_\_\_\_  
19 Kevin B. McDermott  
20 Attorney for Defendant  
21 Jose Luis Nazario, Jr.

22 DATED: 8/14/08 CITY ATTORNEY'S OFFICE

23 IT IS SO ORDERED  
24 DATED 8-18-08  
25 \_\_\_\_\_  
26 DISTRICT COURT JUDGE  
27 By: \_\_\_\_\_  
28 James E. Brown, Supervising Deputy City  
Attorney  
Attorney Specially Appearing for Riverside  
Police Department

**ORDER**

Good cause appearing therefore:

**IT IS SO ORDERED.**

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
The Honorable Stephen G. Larson  
United States District Court Judge

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**PROOF OF SERVICE**

*STATE OF CALIFORNIA, COUNTY OF RIVERSIDE*

I am employed in the county aforesaid; I am over the age of 18 years and not a party to the within above-entitled action; my business address is 3900 Main Street, Riverside, California 92522.

On August 15, 2008, I served the within:

**APPLICATION AND STIPULATION FOR PROTECTIVE ORDER REGARDING DISCLOSURE OF INFORMATION FROM LAW ENFORCEMENT PERSONNEL RECORDS and [proposed] ORDER THEREON**

on the interested parties in said action addressed as follows:

**Attorneys for Plaintiff, United States of America:**

**Charles J. Kovats, Jr., AUSA  
Office of US Attorney  
3880 Lemon Ave, Ste 210  
Riverside, CA 92501  
951-276-6210  
usacac.rvcriminal@usdoj.gov**

**Attorneys for Defendant, Jose Luis Nazario, Jr.:**


**Kevin B McDermott  
Kevin B McDermott Law Offices  
17452 Irvine Blvd Suite 200  
Tustin, CA 92780  
714-731-5297  
warlawyer@aol.com**

( XX ) **VIA MAIL** - In accordance with the regular mail collection and processing practices of this business office, with which I am familiar, by means of which mail is deposited with the United States Postal Service at Riverside, California, that same day in the ordinary course of business, I deposited such sealed envelope for collection and mailing on this same date following ordinary business practices pursuant to C.C.P § 1013(a).

( ) **VIA FACSIMILE** - I caused such document to be delivered to the office of the addressee via facsimile machine pursuant to C.C.P. § 1013(e). Said document was transmitted from the office of City Attorney in Riverside, California, on the date set forth above.

[X] **(FEDERAL)** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on August 15, 2008, at Riverside, California.

  
Melinda Schroeder