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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

EMILY Q., <i>et al.</i> ,)	CASE NO. CV 98-4181 AHM (AIJx)
)	
Plaintiffs,)	PROTECTIVE ORDER RE:
)	CONFIDENTIALITY
v.)	
)	
DIANA BONTA)	
)	
Defendant.)	
)	
)	
)	

In order to protect against public disclosure of confidential information and records obtained in the course of this litigation, it is ORDERED that:

1. This Protective Order shall govern the treatment of all CONFIDENTIAL documents, medical records, assessments, notices, information and records that have been or will be produced in connection with this action regardless of whether the producing person is a party or non-party to the action. CONFIDENTIAL materials are defined in the next paragraph.
2. The parties, their counsel and agents and employees of the parties and of their counsel shall treat as CONFIDENTIAL the following:
 - a. Documents and information from which the identity of a child or family member may be determined;
 - b. Medical records and/or assessments regarding a class member; and

- 1 c. Documents, notices, certification forms and/or other records of the California
2 Department of Health Services, the California Department of Mental Health or any
3 county mental health plan containing medical, personal or other private information
4 about any individual.
- 5 3. CONFIDENTIAL documents, information and records may be disclosed only to the following:
- 6 a. The Court;
- 7 b. The defendants, defendants' counsel and the employees and agents of any of them;
- 8 c. Counsel for the plaintiff class, and their employees and agents;
- 9 d. The class member who is the subject of the CONFIDENTIAL information and his/her
10 parent, guardian, authorized representative and/or court-appointed attorney, if any;
- 11 e. To outside consultants or experts retained for the purpose of assisting counsel in this
12 litigation, or in anticipation of such;
- 13 f. Family members, social workers, physicians, counselors or other professionals who
14 have provided or are then directly providing medical, psychological, emotional or legal
15 assistance to a child, including about his placement.
- 16 4. The persons described above in Paragraphs 3(a) - 3(e) may use CONFIDENTIAL
17 information only for purposes of this litigation and/or to effectuate this Court's Order Granting
18 Plaintiffs' Motion for Permanent Injunction.
- 19 5. Any person given access to CONFIDENTIAL information pursuant to Paragraph 3 above is
20 directed not to disclose such information to any person other than those described in Paragraph
21 3. However, CONFIDENTIAL information may not be disclosed to any person described in
22 Paragraph 3(e) unless such person has signed a written agreement providing substantially as
23 follows:
- 24 That s/he has read this protective order and agrees to be bound by it, and
25 further, will not divulge to persons other than those specifically authorized by
26 Paragraph 3 of the Protective Order, and will not copy or use, except solely for
27 purposes of this litigation, any CONFIDENTIAL document or information as
28 defined by the Protective Order, except as provided therein. Violation of this
agreement may constitute contempt of court and could warrant sanctions.
- The attorney who provides CONFIDENTIAL information to any such person shall retain
possession of the original of this signed agreement.

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6. Plaintiffs' counsel may use CONFIDENTIAL information produced in connection with this action to contact a class member's parent, guardian, authorized representative and/or court-appointed attorney, if any, to discuss the child's rights under the judgment in *Emily Q. v. Diana Bonta*, No. CV 98-4181 AHM (AIJx) (C.D. Cal. 2001). If authorized to do so by the child's parent, guardian, authorized representative and/or court-appointed attorney, if any, plaintiffs' counsel may speak directly with the child who is a class member.

7. Information and records deemed CONFIDENTIAL under Paragraph 2 may not be:

- a. Incorporated in or attached to a pleading or other document that is filed unsealed with the Court; or
- b. Disclosed in argument or offered into evidence in any in-court proceeding of this Court until and unless the Court approves in advance.

8. Statistical information, compilations and analysis of information based in whole or in part upon CONFIDENTIAL information may be released to the public, press or other person without violating this order, so long as the information from which the identity of a child or family member may be determined is not released and only if the purpose of such disclosure is consistent with Paragraph 4.

9. Nothing in this Protective Order shall preclude any party from seeking a determination that any matter designated CONFIDENTIAL under this Protective Order is not entitled to protection, or is entitled to a more limited form of protection. The party designating information as CONFIDENTIAL shall have the burden of establishing its confidentiality.

10. The parties may petition the Court to modify this Order.

11. Knowing violation of this Order may constitute contempt of court and could warrant sanctions, in addition to possible liability to any injured party.

IT IS SO ORDERED.

DATE: March 30, 2001

A. Howard Matz
United States District Judge