

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

**Estate of James Evans, by and through successors in interest,
Lashonda Banks and Godfrey Evans; Lashonda Banks, individually;
Godfrey Evans, individually v. County of Los Angeles; Los Angeles
County Sheriff's Department; Sheriff Robert Luna, individually; and
Does 1 through 10, individually**

Estate of Evans · No. 2:24-cv-09198-SRM-JC · Decided September 15, 2025

SUMMARY

This document is a Modified Protective Order entered by the United States District Court for the Central District of California in Estate of James Evans v. County of Los Angeles. It governs the designation, handling, use, and disclosure of confidential discovery materials, including information implicating the privacy rights of county employees and inmates. The order also addresses procedures for seeking to file protected material under seal and states that its terms do not extend beyond commencement of trial.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF
CALIFORNIA 10 ESTATE OF JAMES EVANS, by and,C ASE NO. 2:24-cv-09198-SRM-JC
11 through successors in interest, 12 LASHONDA BANKS and GODFREY EVANS;
LASHONDA BANKS MODIFIED PROTECTIVE ORDER 13 individually; GODFREY EVANS,
14 individually, [CHANGES MADE BY COURT TO Plaintiffs, PARAGRAPHS 3 & 5] 15 v. 16
COUNTY OF LOS ANGELES, a public 17 entity; LOS ANGELES COUNTY Complaint Filed:
18 SHERIFF'S DEPARTMENT, a public October 24, 2024 entity; SHERIFF ROBERT LUNA, 19
individually; and DOES 1 through 10, 20 individually, 21 Defendants.

22 23 24 1. PURPOSES AND LIMITATIONS Discovery in this action is likely to involve
production of confidential, 25 proprietary or private information for which special protection from
public disclosure 26 and from use for any purpose other than pursuing this litigation may be
warranted. 27 Accordingly, the parties hereby stipulate to petition the Court to enter the following
1 Stipulated Protective Order.

The parties acknowledge that this Order does not confer 2 blanket protections on all disclosures or
responses to discovery and that the protection 3 it affords from public disclosure and use extends
only to the limited information or 4 items that are entitled to confidential treatment under the

applicable legal principles. 5 2. GOOD CAUSE STATEMENT 6 Good cause exists for entry of this stipulated protective order because discovery 7 exchanged in this action is likely to contain documents with information that could 8 infringe on the privacy rights of third parties, including County employees and other 9 inmates at Men's Central Jail who are not parties in this matter.

Gov. Code § 6254(c) 10 exempts from inspection of public records "personnel, medical, or similar files, the 11 disclosure of which constitute unwarranted invasion of personal privacy." 12 Accordingly, to expedite the flow of information, to facilitate the prompt resolution 13 of disputes over confidentiality of discovery materials, to adequately protect 14 information the parties are entitled to keep confidential, to ensure that the parties are 15 permitted reasonable necessary uses of such material in preparation for and in the 16 conduct of trial, to address their handling at the end of the litigation, and serve the 17 ends of justice, a protective order for such information is justified in this matter.

It is 18 the intent of the parties that information will not be designated as confidential for 19 tactical reasons and that nothing be so designated without a good faith belief that it 20 has been maintained in a confidential, non-public manner, and there is good cause 21 why it should not be part of the public record of this case. 22 3. ACKNOWLEDGMENT OF UNDER SEAL FILING PROCEDURE 23 The parties further acknowledge that this Stipulated Protective Order does not 24 entitle them to file confidential information under seal; Local Civil Rule 79-5 sets 25 forth the procedures that must be followed and the standards that will be applied when 26 a party seeks permission from the court to file material under seal.

There is a strong 27 presumption that the public has a right of access to judicial proceedings and records 1 to support a filing under seal. See *Kamakana v. City and County of Honolulu*, 447 2 F.3d 1172, 1176 (9th Cir. 2006), *Phillips v. Gen. Motors Corp.*, 307 F.3d 1206, 1210- 3 11 (9th Cir. 2002), *Makar-Welbon v. Sony Electronics, Inc.*, 187 F.R.D. 576, 577 (E.D.

4 Wis. 1999) (even stipulated protective orders require good cause showing), and a 5 specific showing of good cause or compelling reasons with proper evidentiary support 6 and legal justification, must be made with respect to Protected Material that a party 7 seeks to file under seal.

The parties' mere designation of Disclosure or Discovery 8 Material as CONFIDENTIAL does not— without the submission of competent 9 evidence by declaration, establishing that the material sought to be filed under seal 10 qualifies as confidential, privileged, or otherwise protectable—constitute good cause. 11 Further, if a party requests sealing related to a dispositive motion or trial, then 12 compelling reasons, not only good cause, for the sealing must be shown, and the relief 13 sought shall be narrowly tailored to serve the specific interest to be protected.

See 14 *Pintos v. Pacific Creditors Ass’n*, 605 F.3d 665, 677-79 (9th Cir. 2010). For each item 15 or type of information, document, or thing sought to be filed or introduced under seal, 16 the party seeking protection must articulate compelling reasons, supported by specific 17 facts and legal justification, for the requested sealing order. Again, competent 18 evidence supporting the application to file documents under seal must be provided by 19 declaration.

20 Any document that is not confidential, privileged, or otherwise protectable in 21 its entirety will not be filed under seal if the confidential portions can be redacted. If 22 documents can be redacted, then a redacted version for public viewing, omitting only 23 the confidential, privileged, or otherwise protectable portions of the document, shall 24 be filed.

Any application that seeks to file documents under seal in their entirety 25 should include an explanation of why redaction is not feasible. 26 4. DEFINITIONS 27 4.1 This federal lawsuit entitled *Estate of Evans, et al. vs. County of Los Angeles* 1 causes of action arising from County Defendants’ alleged failure to provide Decedent 2 James Evans with adequate medical care, supervision and monitoring during his 3 detention at Los Angeles’ County’s Men’s Central Jail.

4 4.2 Challenging Party: a Party or Non-Party that challenges the designation of 5 information or items under this Order. 6 4.3 “CONFIDENTIAL” Information or Items: information (regardless of how 7 it is generated, stored or maintained) or tangible things that qualify for protection 8 under Federal Rule of Civil Procedure 26(c), and as specified above in the Good 9 Cause Statement.

10 4.4 Counsel: Outside Counsel of Record and House Counsel (as well as their 11 support staff).

12 4.5 Designating Party: a Party or Non-Party that designates information or 13 items that it produces in disclosures or in responses to discovery 14 as “CONFIDENTIAL.” 15 4.6 Disclosure or Discovery Material: all items or information, regardless of 16 the medium or manner in which it is generated, stored, or maintained (including, 17 among other things, testimony, transcripts, and tangible things), that are produced or 18 generated in disclosures or responses to discovery.

19 4.7 Expert: a person with specialized knowledge or experience in a matter 20 pertinent to the litigation who has been retained by a Party or its counsel to serve as an 21 expert witness or as a consultant in this Action. 22 4.8 House Counsel: attorneys who are employees of a party to this Action. 23 House Counsel does not include Outside Counsel of Record or any other outside 24 counsel.

25 4.9 Non-Party: any natural person, partnership, corporation, association or other 26 legal entity not named as a Party to this action. 27 4.10 Outside Counsel of Record: attorneys who are not employees of a party to 1 this Action on behalf of that party or are affiliated with a law firm that has appeared 2 on behalf of that party, and includes support staff.

3 4.11 Party: any party to this Action, including all of its officers, directors, 4 employees, consultants, retained experts, and Outside Counsel of Record (and their 5 support staffs). 6 4.12

Producing Party: a Party or Non-Party that produces Disclosure or 7 Discovery Material in this Action. 8 4.13 Professional Vendors: persons or entities that provide litigation support 9 services (e.g., photocopying, videotaping, translating, preparing exhibits or 10 demonstrations, and organizing, storing, or retrieving data in any form or medium) and 11 their employees and subcontractors.

12 4.14 Protected Material: any Disclosure or Discovery Material that is designated 13 as

“CONFIDENTIAL.” 14 4.15 Receiving Party: a Party that receives Disclosure or Discovery Material 15 from a Producing Party. 16 5. SCOPE 17 The protections conferred by this Stipulation and Order cover not only Protected 18 Material (as defined above), but also (1) any information copied or extracted from 19 Protected Material; (2) all copies, excerpts, summaries, or compilations of Protected 20 Material; and (3) any testimony, conversations, or presentations by Parties or their 21 Counsel that might reveal Protected Material other than during a court hearing or at 22 trial.

23 Any use of Protected Material during a court hearing or at trial shall be governed 24 by the orders of the presiding judge. This Order does not govern the use of Protected 25 Material during a court hearing or at trial. 26 6. DURATION 27 Once a case proceeds to trial, information that was designated as 1 as an exhibit at trial becomes public and will be presumptively available to all members 2 of the public, including the press, unless compelling reasons supported by specific 3 factual findings to proceed otherwise are made to the trial judge in advance of the trial.

4 See *Kamakana*, 447 F.3d at 1180-81 (distinguishing “good cause” showing for sealing 5 documents produced in discovery from “compelling reasons” standard when merits- 6 related documents are part of court record). Accordingly, the terms of this protective 7 order do not extend beyond the commencement of the trial. 8 7. DESIGNATING PROTECTED MATERIAL 9 7.1 Exercise of Restraint and Care in Designating Material for Protection.

Each 10 Party or Non-Party that designates information or items for protection under this Order 11 must take care to limit any such designation to specific material that qualifies under 12 the appropriate standards.

The Designating Party must designate for protection only 13 those parts of material, documents, items or oral or written communications that 14 qualify so that other portions of the material, documents, items or communications for 15 which protection is not warranted are not swept unjustifiably within the ambit of this 16 Order. 17 Mass, indiscriminate or routinized designations are prohibited.

Designations 18 that are shown to be clearly unjustified or that have been made for an improper purpose 19 (e.g., to unnecessarily encumber the case development process or to impose 20 unnecessary expenses and burdens on other parties) may expose the Designating Party 21 to

sanctions. 22 If it comes to a Designating Party's attention that information or items that it 23 designated for protection do not qualify for protection, that Designating Party must 24 promptly notify all other Parties that it is withdrawing the inapplicable designation.

25 7.2 Manner and Timing of Designations. Except as otherwise provided in this 26 Order, or as otherwise stipulated or ordered, Disclosure of Discovery Material that 27 qualifies for protection under this Order must be clearly so designated before the 1 Designation in conformity with this Order requires: 2 (a) for information in documentary form (e.g., paper or electronic documents, 3 but excluding transcripts of depositions or other pretrial or trial proceedings), that the 4 Producing Party affix at a minimum, the legend "CONFIDENTIAL" (hereinafter 5 "CONFIDENTIAL legend"), to each page that contains protected material.

If only a 6 portion of the material on a page qualifies for protection, the Producing Party also must 7 clearly identify the protected portion(s) (e.g., by making appropriate markings in the 8 margins). 9 A Party or Non-Party that makes original documents available for inspection 10 need not designate them for protection until after the inspecting Party has indicated 11 which documents it would like copied and produced.

12 During the inspection and before the designation, all of the material made 13 available for inspection shall be deemed "CONFIDENTIAL." After the inspecting 14 Party has identified the documents it wants copied and produced, the Producing Party 15 must determine which documents, or portions thereof, qualify for protection under this 16 Order. Then, before producing the specified documents, the Producing Party must affix 17 the "CONFIDENTIAL legend" to each page that contains Protected Material.

If only 18 a portion of the material on a page qualifies for protection, the Producing Party also 19 must clearly identify the protected portion(s) (e.g., by making appropriate markings in 20 the margins). 21 (b) for testimony given in depositions that the Designating Party identifies the 22 Disclosure or Discovery Material on the record, before the close of the deposition all 23 protected testimony.

24 (c) for information produced in some form other than documentary and for any 25 other tangible items, that the Producing Party affix in a prominent place on the exterior 26 of the container or containers in which the information is stored the legend 27 "CONFIDENTIAL." If only a portion or portions of the information warrants 1 protection, the Producing Party, to the extent practicable, shall identify the protected 2 portion(s).

3 7.3 Inadvertent Failures to Designate. If timely corrected, an inadvertent failure 4 to designate qualified information or items does not, standing alone, waive the 5 Designating Party's right to secure protection under this Order for such material. Upon 6 timely correction of a designation,

the Receiving Party must make reasonable efforts 7 to assure that the material is treated in accordance with the provisions of this Order.

8 IT IS SO ORDERED. 9 10 /s/ 11 Dated: September 15, 2025 Honorable Jacqueline Chooljian
12 United States Magistrate Judge 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27