

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

11 RALPH COLEMAN, et al., No. CIV. S-90-520 LKK/JFM (PC)  
12 Plaintiffs,  
13 v. ORDER  
14 EDMUND G. BROWN, JR., et al.,  
15 Defendants.

17 Defendants have filed a motion in limine to exclude from  
18 evidence at the upcoming evidentiary hearing videos depicting  
19 use-of-force incidents. In the alternative, defendants request  
20 that the videos be introduced at the hearing under seal and  
21 reviewed in camera consistent with the existing protective order  
22 in this action because the videos "repeatedly identify inmates,  
23 private personnel information, and other information shielded  
24 from disclosure." Defs.' MIL No. 6, filed September 12, 2013  
25 (ECF No. 4797) at 5. Plaintiffs agree that the videos contain  
26 information identifying inmates and request a "narrow and  
27 targeted protective order directing any member of the public or  
28 press who views the videos not to publicly disclose the names,

1 identification numbers, or other personally-identifying  
2 information of the class members depicted therein." Pls.' Opp.  
3 to Defs. MIL No. 6, filed September 19, 2013(ECF No. 4820) at 7.  
4 Plaintiffs contend that defendants have not met their burden to  
5 show that peace officer information contained in the videos is  
6 privileged, but do not oppose inclusion in the protective order  
7 restrictions on disclosure of peace officers' names and badge  
8 numbers.

9 Good cause appearing IT IS HEREBY ORDERED that:

10 1. Defendants' motion in limine (ECF No. 4797) is denied  
11 insofar as it seeks exclusion of the videos or their review in  
12 camera only.<sup>1</sup>

13 2. Any video offered and accepted into evidence at the  
14 evidentiary hearing set to commence on October 1, 2013 and to  
15 continue thereafter until completed shall be shown in open court,  
16 subject to the following protective order:

17 a. No copy of the video or portion thereof shall be  
18 released to any member of the public or the press, and no  
19 recording of the proceedings at which any video is shown will be  
20 permitted.

21 b. Any member of the public or press who views the  
22 videos is prohibited from publicly disclosing the names,  
23 identification numbers, or other personally-identifying  
24 information of any inmate or any peace officer or other employee  
25 of the California Department of Corrections and Rehabilitation

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26 <sup>1</sup> It is also denied as to the general request to exclude the audio  
27 portion of the videos, made on the ground that audio portion of the videos is  
28 inadmissible hearsay, without prejudice to defendants' right to interpose  
specific objections in the context of specific testimony or argument that may  
be proffered by plaintiffs concerning specific audio portions of the videos.

1 (CDCR) who may appear in any such video.

2 3. Counsel for plaintiffs shall take all steps necessary to  
3 ensure that a copy of this order is distributed to every person  
4 in the audience during any court session at which a video subject  
5 to this order will be shown.

6 IT IS SO ORDERRED.

7 DATED: September 26, 2013.

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LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT

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