UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

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

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

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

Good cause appearing IT IS HEREBY ORDERED that:

1. Defendants' motion in limine (ECF No. 4797) is denied insofar as it seeks exclusion of the videos or their review in camera only.[1]

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

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

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

[1] It is also denied as to the general request to exclude the audio portion of the videos, made on the ground that audio portion of the videos is inadmissible hearsay, without prejudice to defendants' right to interpose specific objections in the context of specific testimony or argument that may be proferred by plaintiffs concerning specific audio portions of the videos.

(CDCR) who may appear in any such video.

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

IT IS SO ORDERRED.

DATED: September 26, 2013.

LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT