

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

INES-MARIA JELU-IRAVEDRA,

Plaintiff,

v.

MUNICIPALITY OF GUAYNABO, *et al.*,

Defendants.

Civil No. 16-1585 (ADC)

ORDER

On March 9, 2016, co-defendant Municipality of Guaynabo (“Guaynabo”) filed a motion seeking a protective order. ECF No. 75. Specifically, the Municipality:

[m]oves this Honorable Court to grant a protective order prohibiting the parties from publishing, disseminating, or using . . . discovery documents and information in any way except as necessary to prepare for and try the case; and that the filing of any such documents before the Court be restricted to ‘Case Participants Only’, unless filed in conjunction with a motion that disposes of substantive rights of the parties.

Id. at 3. According to Guaynabo, the request stems from plaintiff’s “lengthy statements to the press, in which they went into detail as to the agreements reached between the parties” at a hearing regarding discovery disputes held before U.S. Magistrate Judge Sylvia Carreño Coll. *Id.* at 2. Guaynabo further avers that the statements “even go[] so far as to publicize the names of private individuals who are not parties to this case,” all in contravention of an agreement made

by the parties in Court on March 7, 2017. *Id.* The parties' agreement was consigned in an Order docketed under the "selected parties" category. **ECF No. 74.** In support of its motion, Guaynabo attached copies of "a sampling of the articles" that have been published in various media regarding plaintiff's comments and the case. **ECF No. 75** at 2. The Court hereby takes judicial notice of the documents and news reports submitted by Guaynabo in its motion seeking protective order.

In requesting a protective order, Guaynabo asserts:

- (a) its right to a fair trial, which may be affected by adverse publicity; and
- (b) the Municipality's responsibility to protect the identity and information about third parties (as those potentially mentioned in the discovery to be produced which are not parties to the case at bar) from annoyance, embarrassment or oppression. *Id.* at 2-3.

Plaintiff filed a response motion wherein she, in essence, "acquiesces to Defendant's request" that certain discovery information be protected from public dissemination, and avers clarifications to some of the Municipality's contentions in its motion. **ECF No. 78.**

In light of the above and pursuant to Fed. R. Civ. P. 26(c)(1)(a), the Court **GRANTS** the Municipality's motion for protective order at **ECF No. 75.** Accordingly, the following individuals/entities are hereby enjoined from divulging to, or discussing with, the press and/or the public any documentation, information and/or facts arising from the case's discovery, except as it may be necessary to prepare for and try the instant case:

1. The plaintiff, Inés María Jelú Iravedra, and/or any agents of the plaintiff as to information or facts relating to the case.

2. Co-defendant Héctor O'Neill Rosa and/or any agents of said co-defendant as to information or facts relating to the case.

3. Co-defendant Municipality of Guaynabo's Mayor, staff, employees, any other person in its offices, and/or its agents having access to case-related information or facts.

4. The parties' potential and/or actual fact and/or expert witnesses, and/or any agents of said witnesses as to information or facts relating to the case.

5. The parties' attorneys of record, their staff, their employees, any other persons in their offices, and/or agents of said attorneys having access to case-related information or facts.

The parties are prohibited from publishing, disseminating, or using confidential or private information received through discovery in any way except as necessary to prepare for and try the case. Furthermore, all discovery-related filings before the Court in which reference to non-parties or confidential information is mentioned shall be restricted to case participants only, except for those in conjunction with a motion that may dispose of substantive rights of the parties. The parties are expected to seek informal resolution of discovery disputes and resort to restricted filings at a minimum or by exception.

This Order will be in full force from the date of its execution until the conclusion of trial. It is meant as a preventive measure to: protect the parties' right, ensure each party has a fair and

impartial trial, ensure a viable and unbiased jury panel, protect the rights and information of persons named in discovery documents but that are not parties to the case, and promote efficient case management and a fair trial process.

Additionally, this Order sufficiently protects the right of the press to report and inform the public, inasmuch as there is a public record (case docket) and the parties remain entitled to a public trial. This Order does not infringe on the press' rights under the First Amendment to report and/or opine about all facts occurring at the public trial. As such, the Order should not be construed in any way to prevent the press and media to report, opine, and inform about the case; to preclude the parties' discovery efforts; to close proceedings; or to block access to public portions of the record.

Violations to the terms of this Order may and will result in the imposition of sanctions, including but not limited to monetary fines and the finding of contempt for violation of a clear Court order. The Clerk of the Court shall notify this Order to the parties and counsel of record, and shall instruct her own officers and employees accordingly.

SO ORDERED.

At San Juan, Puerto Rico, on this 9th day of March, 2017.

S/AIDA M. DELGADO-COLÓN
Chief United States District Judge