

1 JONATHAN C. MCCAVERY (State Bar No. 210922)
Principal Deputy County Counsel
2 jmccavery@counsel.lacounty.gov
3 OFFICE OF THE COUNTY COUNSEL
General Litigation Division
4 500 West Temple Street, Suite 468
Los Angeles, California 90012
5 Telephone: (213) 974-1828
6 Facsimile: (213) 626-7446

7 Attorneys for Defendant
LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

8 LOUIS R. MILLER (State Bar No. 54141)
9 smiller@millerbarondess.com
MIRA HASHMALL (State Bar No. 216842)
10 mhashmall@millerbarondess.com
EMILY A. RODRIGUEZ-SANCHIRICO (State Bar No. 311294)
11 esanchirico@millerbarondess.com
MILLER BARONDESS, LLP
12 1999 Avenue of the Stars, Suite 1000
Los Angeles, California 90067
13 Telephone: (310) 552-4400
Facsimile: (310) 552-8400

14 Attorneys for Defendant
15 COUNTY OF LOS ANGELES

16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
18

19 VANESSA BRYANT, a California
20 resident,

21 Plaintiff,

22 v.
23

24 COUNTY OF LOS ANGELES, a
public entity; LOS ANGELES
25 COUNTY SHERIFF'S
DEPARTMENT, a public entity; ALEX
26 VILLANUEVA, as Sheriff of the
County of Los Angeles and as an
27 individual; and DOES 1-10, inclusive,
28 Defendants.

CASE NO. 2:20-cv-09582-JFW-E

**DECLARATION OF
MIRA HASHMALL IN SUPPORT
OF APPLICATION TO FILE
UNDER SEAL**

Pretrial Conference: October 29, 2021
Trial Date: Nov. 16, 2021

Assigned to Hon. John F. Walter and
Magistrate Judge Charles F. Eick

DECLARATION OF MIRA HASHMALL

I, Mira Hashmall, declare as follows:

1. I am an attorney duly admitted to practice before this Court. I am a partner with Miller Barondess, LLP, counsel of record for Defendant County of Los Angeles (the “County”). I have personal knowledge of the facts set forth herein, and if called as a witness, I could and would competently testify to all of said facts. I make this declaration in support of the parties’ Application to File the First Amended Complaint Under Seal (the “Application”).

2. On November 25, 2020, the County entered into a stipulated protective order (the “Protective Order”) with Plaintiff Vanessa Bryant (“Plaintiff”). [Dkt. No. 33]. The Protective Order allows the parties to designate material “confidential” or “confidential – attorneys’ eyes only.” (*See id.*)

3. The Protective Order also provides a process by which one party can challenge the confidentiality designations of another party. (*See id.*) Specifically, while a challenge is ongoing, “[u]nless the Designating Party has waived or withdrawn the confidentiality designation, all parties shall continue to afford the material in question the level of protection to which it is entitled under the Producing Party’s designation until the Court rules on the challenge.” (*See id.* Section 6.3.)

4. On January 6, 2021, the County produced the Los Angeles Sheriff Departments’ Internal Affairs Bureau (“IAB”) report concerning the incidents at issue in this lawsuit (the “IAB Report”). The County originally designated the IAB Report as “confidential – attorneys’ eyes only” but after meeting and conferring with counsel for Plaintiff, the County changed the designation of the IAB Report to “confidential.”

5. United States District Court Magistrate Judge Charles F. Eick ordered the County to produce the IAB Report. [Dkt No. 47.] In his order, Judge Eick

1 specified that the production of the IAB Report “*shall* be subject to the” Protective
2 Order. (*Id.* at 2 (emphasis added).)

3 6. The County designated the IAB Report “confidential” for a number of
4 reasons. First, as stated in the Declaration of Captain William Jaeger, IAB cannot
5 uphold its important duty of conducting investigations to uncover potential
6 misconduct without guarantees regarding confidentiality.

7 7. Second, the County wishes to prevent further public spectacle in
8 connection with this lawsuit. As the Court is likely aware, the photos at issue in this
9 lawsuit (and the lawsuit itself) have attracted extensive public interest.
10 Unfortunately, much of this interest comes from tabloids whose profit margins
11 largely depend on having celebrity gossip.

12 8. The County had good cause to designate the IAB Report confidential
13 under the parties’ Protective Order. If the identity of any deputies of the
14 Los Angeles County Sheriff’s Department (“LASD”) who Plaintiff alleges acted
15 inappropriately (the “Deputy Defendants”) is disclosed publicly, there is likely to be
16 a media firestorm. To the extent the Deputy Defendants committed acts which
17 subject them to liability, they will be held accountable via Plaintiff’s lawsuit.
18 Naming the Deputy Defendants publicly does nothing other than increase public
19 spectacle on this fraught matter.

20 9. To further protect Plaintiff, and so that the parties can assess the risk of
21 public dissemination, Defendants have repeatedly asked Plaintiff to agree to a
22 procedure for an independent forensic examination of any telephones or other
23 electronic devices that might have contained pictures of the crash scene. To date,
24 there has been no public dissemination of inappropriate photographs of the crash
25 site. The County wants to determine if any such photographs still exist and, if so,
26 take steps to prevent any public dissemination. To that end, we sent Plaintiff’s
27 counsel a proposed forensic protocol back in November 2020. It has been over
28

1 three months, and we are still waiting for comments from Plaintiff's counsel on the
2 forensic protocol.

3 10. Despite these concerns, during meet and confer conversations in
4 connection with Plaintiff's plans to file the First Amended Complaint ("FAC"), we
5 learned that Plaintiff wishes to file the FAC publicly, with no redactions. The FAC
6 contains verbatim passages from the interview transcripts from the confidential
7 IAB Report, along with the names of the Deputy Defendants (the majority of whom
8 did not share photographs outside LASD).

9 11. Plaintiff's plan to publicly file the FAC, despite never challenging the
10 confidentiality designation of the IAB Report, violates the Protective Order. This
11 violation will accomplish nothing other than adding unnecessary spectacle to a case
12 the tabloids are already very focused on.

13 12. While there has been no public dissemination of the subject
14 photographs to date, the FAC seeks to publicly identify (i) the individuals who once
15 had photos on their personal devices; (ii) when the photos were on the devices; and
16 (iii) which devices had the photos. This is an invitation to hackers to try their luck
17 at finding photos in deleted files and selling them to the highest bidder.

18 13. This is especially problematic given Plaintiff's failure to agree to a
19 forensic protocol that would significantly mitigate the risk of any future public
20 dissemination of photographs.

21 14. The issues addressed in the Application are particularly sensitive
22 because there are two related cases, with a fourth case to be filed imminently. *See*
23 *Chester et al. v. County et al.* (Case No. 2:20-cv-10844) and *Mauser et al. v. County*
24 *et al.* (Case No. 2:21-cv-00497). Although the related cases are almost identical,
25 they are procedurally behind this case. As a result, the County has not yet discussed
26 a potential forensic examination with counsel for the *Chester* or *Mauser* plaintiffs.
27 At this juncture, the County knows only that all plaintiffs have made clear that they
28 do not want sensitive crash site photographs disseminated publicly.

1 15. By publicly disclosing the individuals who, at one point in time, had
2 photographs on their devices, the FAC runs the risk of generating new, potentially
3 damaging, interest in this matter.

4 16. Accordingly, I respectfully request that the Court take the contents of
5 this declaration, and the declaration of Captain William Jaeger, into consideration
6 and keep the requested portions of the FAC under seal.

7 I declare under penalty of perjury under the laws of the United States of
8 America that the foregoing is true and correct.

9 Executed on this 24th day of February, 2021, at Los Angeles, California.

10
11 

12 Mira Hashmall
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28