

JOSEPH T. MCNALLY
Acting United States Attorney
LINDSEY GREER DOTSON
Assistant United States Attorney
Chief, Criminal Division
MATTHEW O'BRIEN (Cal. Bar No. 261568)
Assistant United States Attorney
Environmental Crimes and Consumer Protection Section
1400 United States Courthouse
312 North Spring Street
Los Angeles, California 90012
Telephone: (213) 894-8644
Facsimile: (213) 894-0141
E-mail: Matthew.O'Brien@usdoj.gov

Attorneys for Plaintiff/Respondent
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

No. 5:18-CR-00114-JGB
5:21-CR-00170-JGB
5:24-CV-02550-JGB
5:24-CV-02552-JGB

[PROPOSED] ORDER

CARL BRADLEY JOHANSSON,
aka "Brad Johnson,"
aka "Carl Johnson,"
aka "C. Brad Johanson,"
aka "Jay Johnson,"
aka "Keith Golatta,

Defendant/Petitioner.

The Court has read and considered the government's Ex Parte Application for a Court Order (1) Authorizing Disclosure of Certain Attorney-Client Communications, (2) Establishing Procedures for Obtaining Such Attorney-Client Communications, and (3) Implementing Protective Order for Such Obtained Communications (the "Application"). The Court hereby finds that the Application, which this Court incorporates by reference into this Order, demonstrates facts that support the requested order.

IT IS HEREBY ORDERED THAT:

1 (A) Defendant/petitioner CARL BRADLEY JOHANSSON, also known as
2 "Brad Johnson," "Carl Johnson," "C. Brad Johanson," "Jay Johnson,"
3 and "Keith Golatta" ("defendant"), has waived the attorney-client
4 privilege with respect to communications between himself and three of
5 her counsel, Mark Werksman, Edward Robinson, and Rachel Robinson
6 ("defense counsel"), concerning the events and facts related to
7 defendant's claims of ineffective assistance of counsel raised in his
8 motion to vacate, set aside, or correct sentence filed on November
9 13, 2024 in the above-captioned cases (the "Motion").

10 (B) In accordance with Bittaker v. Woodford, 331 F.3d 715, 720
11 (9th Cir. 2003) (finding that upon court order waiving attorney-
12 client privilege, "the holder of the privilege may preserve the
13 confidentiality of the privileged communication by choosing to
14 abandon the claim that gives rise to the waiver condition"), if
15 defendant chooses to withdraw the Motion, rather than waive his
16 attorney-client privilege, defendant or defense counsel must notify
17 the government and the Court no later than May 23, 2025.

18 (C) The parties shall abide by the following procedures and
19 schedule:

20 a. By March 21, 2025, the United States Attorney's Office
21 for the Central District of California (the "USAO") shall propound to
22 defense counsel interrogatories related to defendant's claim that
23 defense counsel provided ineffective assistance of counsel.

24 b. Defense counsel shall prepare written answers to the
25 interrogatories, or note objections to particular interrogatories as
26 beyond the scope of the appropriate waiver, providing reasons for any
27 such objection. By no later than April 18, 2025, defense counsel
28 shall provide the interrogatories and their proposed answers and
objections to defendant for defendant's review.

1 c. By no later than May 9, 2025, defendant shall provide
2 to defense counsel any additional objections to interrogatories
3 believed to be beyond the scope of the waiver, providing reasons for
4 any such objections, or advise defense counsel that he wishes to
5 withdraw the Motion.

6 d. By no later than May 23, 2025, defense counsel shall
7 provide the USAO with either (a) notice that defendant has elected to
8 withdraw the Motion, or (b) written responses, with supporting
9 exhibits, if any, answering the interrogatories propounded by the
10 USAO under penalty of perjury, or noting objections to those
11 interrogatories as being beyond the scope of defendant's waiver,
12 together with the reasons for any such objections. As set forth in
13 Paragraph (B) above, to the extent that defense counsel provides
14 notice to the USAO that defendant has elected to withdraw the Motion,
15 defense counsel shall provide such notice to the Court.

16 e. If the defendant has objections, or if other issues
17 remain unresolved, the USAO shall file a motion to resolve the
18 objections or issues along with a proposed briefing schedule by no
19 later than June 5, 2025 (and the proposed briefing schedule shall
20 propose new deadlines for the government's response to defendant's
21 Motion and defendant's Reply, which are currently due on June 5,
22 2025, and July 3, 2025, respectively).

23 IT IS FURTHER ORDERED THAT:

24 1. The information disclosed in response to the USAO's
25 interrogatories will be considered confidential information and,
26 absent further Court order, will not be disclosed by the USAO to any
27 other law enforcement or prosecuting agency except as necessary to
28

1 assist in the USAO's litigation of the ineffective assistance of
2 counsel claim presented in the motion;

3 2. Any pleadings referencing the information disclosed in
4 response to the USAO's interrogatories will be filed under seal;

5 3. The information disclosed in response to the USAO's
6 interrogatories will be used by the USAO only for the purpose of
7 litigating the claims presented in the Motion;

8 4. The USAO will provide a copy of the Court's order to
9 any individual who is provided access to the information disclosed in
10 response to the USAO's interrogatories; and

11 5. The protections of the protective order shall remain
12 in place even after litigation of defendant's ineffective assistance
13 of counsel claim is completed.

14 IT IS SO ORDERED.

15
16 _____
DATE

HON. JESUS G. BERNAL
UNITED STATES DISTRICT JUDGE

17 Presented by:

18 _____
19 /s/
MATTHEW O'BRIEN
20 Assistant United States Attorney
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28