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10 Attorneys for Defendants, COUNTY OF FRESNO and former FRESNO COUNTY SHERIFF
11 RICHARD PIERCE; FRESNO COUNTY DEPUTY SHERIFF ROBERT CAREY; FRESNO
12 COUNTY SHERIFF’S SERGEANTS KATHY CARREIRO and E. BROUGHTON

13 **IN THE UNITED STATES DISTRICT COURT**
14 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

15 TERRY HILLBLOM, SANDRA)
16 HILLBLOM, and MICHAEL L., a minor, by)
17 and through his guardians ad litem, TERRY)
18 and SANDRA HILLBLOM,)

19 Plaintiffs,)

20 v.)

21 COUNTY OF FRESNO; former FRESNO)
22 COUNTY SHERIFF RICHARD PIERCE;)
23 FRESNO COUNTY DEPUTY SHERIFF)
24 ROBERT CAREY; FRESNO COUNTY)
25 SHERIFF’S SERGEANTS KATHY)
26 CARREIRO and E. BROUGHTON; and)
27 DOES 1 through 50,)

28 Defendants.)

CASE NO.: 1:07-CV-01467-LJO-SMS

STIPULATED PROTECTIVE ORDER

Complaint Filed: 07/23/07

IT IS HEREBY STIPULATED, by, among and between the parties hereto through their counsel of record, that documents and materials produced by defendant COUNTY OF FRESNO to plaintiffs pursuant to plaintiffs’ Request for Production of Documents (Set No. One) may be designated as “confidential” by defendants and produced subject to the following Protective Order:

- 1. The disclosed documents designated as “confidential” shall be used solely in connection with the civil cases of *Terry Hillblom, et al., v. County of Fresno, et al.*, United States District Court Case No. 1:07-cv-01467-LJO-SMS (Eastern District of California), and *Estate of*

1 *Martin Srabian and Donnie Srabian v. County of Fresno, et al.*, United States District Court Case
2 No. 1:08-cv-00336-LJO-SMS (Eastern District of California) and in the preparation and trial of this
3 action, and any related proceeding. Defendants are not waiving any objections to the admissibility
4 of the documents or portions of the documents in future proceedings, including the trial of this
5 matter. Any documents submitted in related litigation or that were under seal, remain under seal
6 in this action.

7 2. The “confidential” documents and materials are identified as follows:

8 Exhibit 1- Fresno Sheriff’s Office Policies and Procedures - Internal Affairs (Section
9 305)

10 Exhibit 2 - Fresno Sheriff’s Office Policies and Procedures - Disciplinary Procedures
11 (Section 306)

12 Exhibit 3 - Fresno Sheriff’s Office Policies and Procedures - Rules, Regulations,
13 Duties and Responsibilities (Section 600)

14 Exhibit 4 - Fresno Sheriff’s Office Policies and Procedures - Use of Force (Section
15 300)

16 Exhibit 5 - Commission on Peace Officers Standards and Training Confidential
17 Profile Report re: Robert Carey

18 3. Documents or materials designated under this Stipulated Protective Order may only
19 be disclosed to the following persons:

20 a) Patience Milrod, counsel for plaintiffs, as well as any other legal counsel
21 retained by Ms. Milrod for purposes of this litigation;

22 b) Paralegal, clerical, and secretarial personnel regularly employed by counsel
23 referred to in subpart (a) directly above, including stenographic deposition reporters or
24 videographers retained in connection with this action;

25 c) Court personnel including stenographic reporters or videographers engaged
26 in proceedings as are necessarily incidental to the preparation for the trial of the civil action;

27 d) Any expert, consultant or investigator retained in connection with this action;

28 e) The finder of fact at the time of trial, subject to the court’s rulings on in

1 limine motions and objections of counsel;

2 4. Each recipient of documents or materials identified above, shall be provided with
3 a copy of this Stipulated Protective Order, which he or she shall read prior to the disclosure of the
4 documents or material. Upon reading this Stipulated Protective Order, such person shall
5 acknowledge in writing that he or she has read this Stipulated Protective Order and shall abide by
6 its terms. Such person must also consent to be subject to the jurisdiction of the United States
7 District Court, Eastern District of California, with respect to any proceeding related to enforcement
8 of this Stipulated Protective Order, including without limitation, any proceeding for contempt.
9 Provisions of this Stipulated Protective Order, insofar as they restrict disclosure and use of the
10 material, shall be in effect until further order of this Court. Plaintiffs' counsel shall be responsible
11 for internally tracking the identities of those individuals to whom copies of the documents or
12 materials are given.

13 5. The production of documents and materials identified above is without prejudice to
14 the right of any party to oppose the admissibility of the designated information.

15 6. A party may apply to the Court for an order that information or materials designated
16 above are not, in fact, "confidential". Prior to so applying, the party seeking to reclassify the
17 information or materials shall meet and confer with the producing party. Until the matter is
18 resolved by the parties or the Court, the information in question shall continue to be treated
19 according to its designation under the terms of this Order. The producing party shall have the
20 burden of establishing the propriety of the designation of these documents or materials as
21 "confidential". A party shall not be obligated to challenge the propriety of a "confidential"
22 designation at the time made, and a failure to do so shall not preclude a subsequent challenge
23 thereto.

24 7. Copies of "Confidential" Documents

25 The following procedures shall be utilized by the parties in production of documents and
26 materials designated "confidential" and identified above:

27 a) Plaintiff's counsel shall receive one copy of the documents or materials
28 designated as "confidential" above.

1 b) Plaintiff’s counsel shall not copy, duplicate, furnish, disclose, or otherwise
2 divulge any information contained in the “confidential” documents to any source except those
3 individuals to whom disclosure is permitted pursuant to paragraph 3, supra, without further
4 order of the Court or authorization from counsel for defendants.

5 c) If plaintiffs’ counsel believes, in good faith, that she requires additional
6 copies of documents or materials designated as “confidential” and identified above, she shall make
7 a further request for documents to counsel for defendants. Upon agreement with counsel for
8 defendants, copies will be produced in a timely manner to plaintiffs’ counsel, pursuant to the
9 procedures of this Stipulated Protective Order.

10 d) Plaintiffs shall be billed for the copying of the documents or materials
11 designated as “confidential” at defendants’ costs.

12 8. Notwithstanding the provisions of paragraph 3 of this Stipulated Protective Order,
13 documents or materials designated “confidential” and produced pursuant to this Stipulated
14 Protective Order may not be delivered, exhibited or otherwise disclosed to any reporter, writer or
15 employee of any trade publication, newspaper, magazine or other media organization.

16 9. Should any documents or materials designated “confidential” and identified above
17 be disclosed, through inadvertence or otherwise, to any person not authorized to receive it under
18 this Stipulated Protective Order, the disclosing person(s) shall promptly:

19 (a) inform counsel for defendants of the recipient(s) and the circumstances of the
20 unauthorized disclosure to the relevant producing person(s) and

21 (b) use best efforts to bind the recipient(s) to the terms of this Stipulated Protective
22 Order. No information shall lose its “confidential” status because it was disclosed to a person not
23 authorized to receive it under this Stipulated Protective Order.

24 10. After the conclusion of this litigation, all documents and materials, in whatever form
25 stored or reproduced, designated “confidential” and identified above will remain confidential. All
26 documents and materials produced to plaintiffs pursuant to this Stipulated Protective Order shall
27 be returned to counsel for defendants in a manner in which counsel will be able to reasonably verify
28 that all documents were returned.

1 All parties also ensure that all persons to whom documents or materials designated
2 “confidential” and identified above were disclosed shall be returned to counsel for defendants. The
3 conclusion of this litigation means a termination of the case following trial, settlement or the
4 exhaustion of all appeals.

5 11. No later than 30 days of settlement or of receiving notice of the entry of an order,
6 judgment, or decree terminating this action, or the exhaustion of all appeals, all persons having
7 received the documents or materials designated “confidential” and identified above shall return said
8 documents to counsel for defendants.

9 12. If any party appeals a jury verdict or order terminating the case, plaintiffs’ counsel
10 shall retain possession of all documents or materials designated “confidential” and identified above
11 pending final outcome of the appeal after which they shall be returned to counsel for defendants.

12 13. This Stipulated Protective Order shall remain in full force and effect and shall
13 continue to be binding on all parties and affected persons after this litigation terminates, subject to
14 any subsequent modifications of this Stipulated Protective Order for good cause shown by this
15 Court or any Court having jurisdiction over an appeal of this action. After this action terminates,
16 any party may seek to modify or dissolve this Stipulated Protective Order by Court order for good
17 cause shown or by the parties’ stipulation.

18 14. The Court shall retain jurisdiction, even after this lawsuit terminates, (a) to make
19 such amendments, modifications and additions to this Protective Order as it may from time to time
20 deem appropriate upon good cause shown and (b) to adjudicate any dispute respecting improper use
21 or disclosure of “confidential” material.

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DATED: April 10, 2009

WEAKLEY, ARENDT & McGUIRE, LLP

By: /s/ Michael R. Linden
Michael R. Linden
Attorney for Defendants

DATED: April 10, 2009

LAW OFFICE OF PATIENCE MILROD

By: /s/ Patience Milrod
Patience Milrod
Attorney for Plaintiffs TERRY HILLBLOM,
et al.

IT IS SO ORDERED.

Dated: April 10, 2009

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE