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

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

14 TERRY HILLBLOM, SANDRA)
 15 HILLBLOM, and MICHAEL L., a minor, by) CASE NO.: 1:07-CV-01467-LJO-SMS
 16 and through his guardians ad litem, TERRY)
 17 and SANDRA HILLBLOM,)

18 Plaintiffs,) **AMENDED FOURTH STIPULATED**
 19) **PROTECTIVE ORDER**

20 v.)

21 COUNTY OF FRESNO; former FRESNO)
 22 COUNTY SHERIFF RICHARD PIERCE;) Complaint Filed: 07/23/07
 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.)

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
 (“defendant COUNTY”) to plaintiffs TERRY HILLBLOM, SANDRA HILLBLOM, and
 MICHAEL L., a minor, by and through his guardians ad litem, TERRY and SANDRA HILLBLOM
 (“Plaintiffs”) pursuant to plaintiffs’ Request for Production of Documents (Set No. One) may be
 designated as “confidential” by defendant COUNTY and produced subject to the following
 Protective Order:

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1 1. The disclosed documents designated as “confidential” shall be used solely in
2 connection with the civil cases of *Terry Hillblom, et al., v. County of Fresno, et al.*, United States
3 District Court Case No. 1:07-cv-01467-LJO-SMS (Eastern District of California), and *Donnie*
4 *Srabian, et al. v. County of Fresno, et al.*, United States District Court Case No. 1:08-cv-00336-
5 LJO-SMS (Eastern District of California), and in the preparation and trial of these actions, and any
6 related proceedings. Defendants are not waiving any objections to the admissibility of the
7 documents or portions of the documents in future proceedings, including the trial of this matter.
8 Any documents submitted in related litigation or that were under seal, remain under seal in this
9 action.

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

11 Exhibit 1- Documents from the Fresno County Sheriff’s Department’s personnel file
12 for Deputy Robert Carey, Bates Stamp Nos. 0001-0086. The aforementioned documents represent
13 the portion of Deputy Carey’s personnel file ordered to be produced by Magistrate Judge Sandra
14 M. Snyder after her *in camera* review of said file. See *Doc. No. 63*. Deputy Carey’s date of birth,
15 Social Security number, personal phone numbers, and residential addresses have been redacted from
16 this group of documents. The names of minors have also been redacted from the documents.

17 Exhibit 2 - Documents from the Fresno County Sheriff’s Department’s background
18 file for Deputy Robert Carey, Bates Stamp Nos. 0001-0024. The aforementioned documents
19 represent the portion of Deputy Carey’s background file ordered to be produced by Magistrate
20 Judge Sandra M. Snyder after her *in camera* review of said file. See *Doc. No. 63*. Deputy Carey’s
21 date of birth, Social Security number, personal phone numbers, and residential addresses have been
22 redacted from this group of documents. The names of minors have also been redacted from the
23 documents.

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

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

28 b) Paralegal, clerical, and secretarial personnel regularly employed by counsel

1 referred to in subpart (a) directly above, including stenographic deposition reporters or
2 videographers retained in connection with this action;

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

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

6 e) The finder of fact at the time of trial, subject to the court's rulings on in
7 limine motions and objections of counsel;

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

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

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

1 thereto.

2 7. Copies of “Confidential” Documents

3 The following procedures shall be utilized by the parties in production of documents and
4 materials designated “confidential” and identified above:

5 a) Plaintiffs’ counsel shall receive one copy of the documents or materials
6 designated as “confidential” above.

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

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

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

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

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

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

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

1 authorized to receive it under this Stipulated Protective Order.

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

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

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

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

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

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

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DATED: February 19, 2009

WEAKLEY, ARENDT & MCGUIRE, LLP

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

DATED: February 19, 2009

LAW OFFICE OF PATIENCE MILROD

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

IT IS SO ORDERED.

Dated: March 1, 2010

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE