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

10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

12 TERRY HILLBLOM, SANDRA
13 HILLBLOM, and MICHAEL L., a minor, by
14 and through his guardians ad litem, TERRY
15 and SANDRA HILLBLOM,

16 Plaintiffs,

17 v.

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

25 Defendants.

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

) **FIFTH STIPULATED PROTECTIVE**
) **ORDER**

) Complaint Filed: 07/23/07

26 IT IS HEREBY STIPULATED, by, among, and between defendants COUNTY OF
27 FRESNO, DEPUTY ROBERT CAREY, SERGEANT ERIC BROUGHTON, and SERGEANT
28 KATHY CARREIRO (“Deputy Carey”), plaintiffs TERRY HILLBLOM, SANDRA HILLBLOM,
and MICHAEL L., a minor, by and through his guardians ad litem, TERRY and SANDRA
HILLBLOM (“Plaintiffs”), and the City of Kerman, and their counsel of record, that certain
documents sought pursuant to Plaintiffs’ Subpoena in a Civil Case, dated May 20, 2010, may be
designated as “confidential” by Defendants and the City of Kerman, 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 objection 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 City of Kerman Police Department’s personnel file for
12 Robert Carey, Bates Stamp Nos. 000001-000148. Deputy Carey’s date of birth, Social Security
13 number, driver’s license number, personal phone numbers, residential addresses, and personal
14 financial information have been redacted from this group of documents. The names of minors have
15 also been redacted from the documents.

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

18 a) Patience Milrod, counsel for Plaintiffs, as well as any other legal counsel
19 retained by Ms. Milrod for purposes of this litigation;

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

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

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

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

28 4. Each recipient of documents or materials identified above, shall be provided with

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

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

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

22 7. Copies of "Confidential" Documents

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

25 a) Plaintiffs' counsel shall receive one copy of the documents or materials
26 designated as "confidential" above.

27 b) Plaintiffs' counsel shall not copy, duplicate, furnish, disclose, or otherwise
28 divulge any information contained in the "confidential" documents to any source except those

1 individuals to whom disclosure is permitted pursuant to paragraph 3, supra, without further
2 order of the Court or authorization from counsel for Defendants.

3 c) If Plaintiffs' counsel believes, in good faith, that she requires additional
4 copies of documents or materials designated as "confidential" and identified above, she shall make
5 a further request for documents to counsel for Defendants. Upon agreement with counsel for
6 Defendants, copies will be produced in a timely manner to Plaintiffs' counsel, pursuant to the
7 procedures of this Stipulated Protective Order.

8 d) Plaintiffs shall be billed by the City of Kerman for the copying of the
9 documents or materials designated as "confidential."

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

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

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

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

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

27 All parties also ensure that all persons to whom documents or materials designated
28 "confidential" and identified above were disclosed shall be returned to counsel for defendants. The

1 conclusion of this litigation means a termination of the case following trial, settlement or the
2 exhaustion of all appeals.

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

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

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

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

20
21 DATED: June 16, 2010

WEAKLEY, ARENDT & McGUIRE, LLP

22
23 By: /s/ Michael R. Linden
Michael R. Linden
24 Attorney for Defendants

25 DATED: June 16, 2010

HENRY, LOGOLUSO & BLUM

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27 By: /s/ Timothy V. Logoluso
Timothy V. Logoluso
28 Attorney for the City of Kerman

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DATED: June 16, 2010

LAW OFFICE OF PATIENCE MILROD

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

IT IS SO ORDERED.

Dated: June 18, 2010

 /s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE