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7 Attorneys for Defendants, COUNTY OF FRESNO and ERNEST SERRANO

8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

10	ALICE ROSAS AGUILAR, as successor	)	CASE NO. 1:08-cv-01202-AWI-GSA
	in interest to Sergio Rosas Aguilar;	)	
11	ALICE ROSAS AGUILAR, an individual,	)	
		)	
12	Plaintiffs,	)	[PROPOSED] STIPULATED
		)	PROTECTIVE ORDER REGARDING
13	v.	)	RECORDS AND TESTIMONY FROM
		)	PATRICK THOMAS
14	COUNTY OF FRESNO, CALIFORNIA,	)	
	a political subdivision of the State of	)	
15	California; ERNEST SERRANO, an	)	
	individual,	)	
16		)	
	Defendants.	)	
17	_____	)	

18 IT IS HEREBY STIPULATED between the parties, and ordered by this Court, that in  
19 accordance with the Court’s instructions to the parties on December 4, 2009 during a telephone  
20 conference regarding a discovery dispute, records from Patrick Thomas ( to be provided to  
21 Defendants by Plaintiff’s counsel) relating to employment of Sergio Rosas Aguilar (the  
22 Decedent) and the continued deposition testimony of Patrick Thomas are subject to the  
23 conditions set forth in this protective order.

24 The release of the requested documents and allowance of the testimony pursuant to this  
25 Stipulation and Protective Order does not waive the confidentiality privilege protecting the  
26 documents and testimony from general disclosure.

27 Based on the foregoing, IT IS HEREBY STIPULATED:

28 1. The Confidential Material shall be used solely in connection with this litigation

1 in the preparation and trial of this case and not for any other purpose or in any other litigation.

2 2. The Confidential Material may be disclosed only to the following persons:

3 a) counsel for any party to this action;

4 b) paralegal, clerical, and secretarial personnel regularly employed by counsel  
5 referred to in (a), including stenographic deposition reporters retained in connection with this  
6 action;

7 c) court personnel including stenographic reporters engaged in proceedings as  
8 are necessarily incidental to preparation for the trial of this action;

9 d) any outside expert or consultant retained in connection with this action and  
10 not otherwise employed by either party;

11 e) any in-house expert designated by defendants to testify at trial in this matter;

12 f) the finder of fact at the time of trial subject to the court's rulings on in limine  
13 motions and objections of counsel.

14 3. Each person to whom disclosure is made with the exception of those identified  
15 in 2 (a) and (b), above, who are presumed to know of the contents of this protective order shall,  
16 prior to the time of disclosure, be provided by the person furnishing him/her such material, a  
17 copy of this order, and shall agree on the record or in writing that he/she has read the protective  
18 order and that he/she understands the provisions of the protective order. Such person must also  
19 consent to be subject to the jurisdiction of the United States District Court, Eastern District of  
20 California, with respect to any proceeding related to enforcement of this order, including  
21 without limitation, any proceeding for contempt. Provisions of this order insofar as they  
22 restrict disclosure and use of the material shall be in effect until further order of this Court.

23 4. Any documents or information submitted to the Court that reveals confidential  
24 material shall be submitted under seal pursuant to Local Rules 39-140 and 39-141.

25 5. At the conclusion of this litigation, all confidential material received under the  
26 provisions of this order, including copies made, shall be destroyed, or tendered back to the  
27 attorney of record for the Plaintiff. The conclusion of litigation means the termination of the  
28 case following applicable post-trial motions, appeal and/or retrial.

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**IT IS SO AGREED.**

THE CLAYPOOL LAW FIRM

Dated: Dec. 9, 2009

By : /s/ Brian E. Claypool  
Brian E. Claypool, Esq.  
Attorneys for Plaintiff

Dated: Dec. 9, 2009

LAW OFFICES OF VICKI I. SARMIENTO

By: /s/ Vicki I. Sarmiento  
Vicki I. Sarmiento, Esq.  
Attorney for Plaintiff

Dated: Dec. 9, 2009

WEAKLEY, ARENDT & McGUIRE, LLP

By: /s/ James D. Weakley  
James D. Weakley, Esq.  
Attorneys for Defendants

**ORDER**

IT IS SO ORDERED.

Dated: December 14, 2009

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE