

1 | BETTS & RUBIN, A Professional Corporation

2 Attorneys at Law
2 907 Santa Fe Avenue
3 Fresno, California 93721
3 Telephone: (559) 438-8500
Facsimile: (559) 438-6959

5 James B. Betts (State Bar #110222)
Joseph D. Rubin (State Bar #149920)

6 Attorneys for Defendant CITY OF FRESNO, JERRY BISHOP, MATTHEW LOPEZ,
BARBARA MILLER, NICK YOVINO

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 LA-KEBBIA WILSON, TERI McCADA,) Case No. 1:09-CV-00887 LJO SKO
12 Plaintiff,) (Consolidated Case No. 1:08-CV-01062)
13 v.)
14 CITY OF FRESNO, JERRY BISHOP,) STIPULATED PROTECTIVE
15 MATTHEW LOPEZ, BARBARA MILLER,) ORDER RE: DOCUMENTS
16 NICK YOVINO,)
Defendants.)

18 This litigation arises out of Plaintiffs' claims of discrimination in their employment
19 with the City. Documents which may be utilized in this case include employee
20 complaints and investigations that are protected from disclosure by statutory and
21 common law rights of privacy.

22 The parties herein, by and through their respective counsel, hereby stipulate to
23 be bound by the following Protective Order:

24 1. This Stipulation shall govern the production of "confidential records",
25 including, but not limited to, employee complaints and investigations related to Plaintiffs
26 which may be germane to the above-referenced action.

27 ||||

28 ||||

Stipulated Protective Order

1 2. Any DOCUMENT produced in discovery, may be marked
2 "confidential" by the producing party ("DOCUMENTS").

3 3. The DOCUMENTS may be given, shown, disclosed, made available or
4 communicated only to the following:

5 a. Counsel for the parties who have executed this Stipulation, and the
6 investigative, paralegal, administrative, clerical and secretarial personnel assisting such
7 attorneys for whom access to such material is necessary to perform their duties with
8 respect to this case; provided that execution of this Stipulation by any member of the
9 law firm representing a party shall constitute a representation that all persons in or
10 employed by or paid by that firm or that firm's client(s) shall adhere to this Stipulation.

11 b. Any party who has executed a copy of the acknowledgment form
12 attached hereto as Exhibit "A" (the signed executed form shall be delivered to Betts &
13 Rubin).

14 c. Any expert who has executed a copy of the acknowledgment.

15 d. Personnel of the Court and court reporters retained by the
16 parties or the Court to record and transcribe testimony in this case.

17 e. The DOCUMENTS designated for protection pursuant to this
18 Stipulation may, if admissible, be introduced into evidence or otherwise disclosed in
19 Court proceedings pursuant to protections agreed upon by the Court.

20 f. The DOCUMENTS shall not be used by any party to whom it is
21 disclosed for any purpose other than for purposes of the pending litigation. The
22 DOCUMENTS designated hereunder shall be kept in secure facilities.

23 g. No person can utilize or disclose to any person, in public or in
24 private, the DOCUMENTS, or information set forth therein, except as set forth in this
25 Stipulation.

26 h. The Stipulation is not intended to preclude any party from seeking
27 further relief, modification of the Stipulation, or protective orders from the Court, as may
28 be deemed appropriate under applicable law, upon appropriate notice to all parties.

i. This Stipulation shall be binding on all persons and all parties who have notice hereof and all persons who have voluntarily signed the Affidavit of Confidentiality, as attached hereto. A disclosure of designated material in violation of the conditions of this Stipulation is subject to whatever sanctions the Court deems appropriate and/or any remedy provided under state and/or federal law.

4. To the extent that any party disputes that a DOCUMENT should be marked as “confidential”, the parties shall meet and confer in a good faith attempt to resolve any potential dispute. If the parties’ meet and confer efforts prove unavailing, a party may move the Court for an order that the subject DOCUMENT should not be treated as confidential and subject to the terms of this Protective Order.

Dated: February 2, 2011 BETTS & RUBIN

By _____ /s/ Joseph D. Rubin
Joseph D. Rubin
Attorneys for Defendants
CITY OF FRESNO, JERRY BISHOP,
MATTHEW LOPEZ, BARBARA MILLER,
NICK YOVINO

Emerson, Corey, Sorensen, Church & Libke

Dated: February 2, 2011

By /s/ Rayma Church

Rayma Church, Esq.
Attorney for Plaintiffs La-Kibba Wilson and Teri
McCada

IT IS SO ORDERED.

Dated: February 2, 2011

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE