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7 Attorneys for Defendants, COUNTY OF FRESNO, DAVID ALANIS, and LINDA PENNER

8 **IN THE UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

11	JAMES LORAN QUINN,)	CASE NO.: 1:10-CV-01617-OWW-SMS
12	Plaintiff,)	
13	vs.)	STIPULATION AND PROTECTIVE ORDER
14	FRESNO COUNTY SHERIFF, FRESNO)	AUTHORIZING LIMITED DISCLOSURE
15	COUNTY PROBATION DEPARTMENT,)	CONFIDENTIAL COUNTY OF FRESNO
16	OFFICER DAVID ALANIS, OFFICER)	PUBLIC HEALTH DEPARTMENT AND
17	LEONARD RICHERT, FRESNO COUNTY)	FRESNO COUNTY SHERIFF'S
18	DISTRICT ATTORNEY, FRESNO)	DEPARTMENT POLICIES
19	COUNTY JAIL, ET AL. and DOES 1 to 100)	
	INCLUSIVE,)	
	Defendants.)	

20 IT IS HEREBY STIPULATED between the parties, through their respective counsel, and ordered
21 by this Court, that the following documents will be disclosed pursuant to this stipulation and protective
22 order:

- 23 **1. County of Fresno Public Health Department Policies**
- 24 **2. Fresno County Sheriffs Department Policies**

25 The above-named documents which are maintained by the COUNTY OF FRESNO and requested
26 by plaintiffs through discovery, may be disclosed to counsel for the plaintiffs pursuant to the protective
27 order detailed below. The documents requested by plaintiffs contain information which is deemed
28 highly confidential. The release of these documents pursuant to this Stipulation and Protective Order
does not waive the confidentiality privilege protecting the above-named documents from general

1 disclosure.

2 Based on the foregoing, IT IS HEREBY STIPULATED:

3 1. These documents are designated as “**Confidential – Counsel Only**” (hereinafter collectively
4 “confidential documents”), and produced by parties to this action, are subject to this Protective Order.

5 2. Confidential documents shall be used solely in connection with the civil case of James L. Quinn
6 v. County of Fresno, et al., USDC Case No.: 1:10-CV-01617-OWW-SMS, and in the preparation of trial
7 of this case, or any related proceeding.

8 3. The COUNTY OF FRESNO will produce the confidential documents by affixing a mark labeling
9 them as “James L. Quinn v. County of Fresno, USDC, Eastern District of California, Case No. 1:10-CV-
10 01617-OWW-SMS, Counsels’ Eyes Only” If any Confidential documents cannot be labeled with the
11 aforementioned marking, those materials shall be placed in a sealed envelope or other container that is
12 in turn marked with the appropriate designation in a manner agreed upon by the disclosing and
13 requesting parties.

14 4. Confidential documents designated under this Protective Order as may only be disclosed to the
15 following persons:

16 a) Counsel for the parties;

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

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

22 d) Any expert or consultant retained in connection with this action; and

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

25 5. All Confidential documents filed with the Court for any purpose shall be filed and served under
26 seal in accordance with Local Rule 141.

27 6. The designation of information as Confidential documents, and the subsequent production
28 thereof, is without prejudice to the right of any party to oppose the admissibility of the designated
information.

1 7. Each person to whom disclosure is made, with the exception of counsel, and its paralegal,
2 clerical, and secretarial personnel, who are presumed to know the contents of this Protective Order, shall,
3 prior to the time of disclosure, be provided by the person furnishing him or her such material, a copy of
4 this Protective Order. Each person to whom disclosure is made shall agree on the record or in writing
5 that he/she has read the Protective Order and he/she understands the provisions of the Protective Order.
6 Such person must also consent to be subject to the jurisdiction of the United States District Court,
7 Eastern District of California, with respect to any proceeding related to enforcement of this Protective
8 Order, including without limitation, any proceeding for contempt. Provisions of this Protective Order,
9 insofar as they restrict disclosure and use of the material, shall be in effect until further order of this
10 Court.

11 8. Should any document designated confidential be disclosed, through inadvertence or otherwise,
12 to any person not authorized to receive it under this Protective Order, the disclosing person(s) shall
13 promptly (a) inform the COUNTY OF FRESNO of the recipient(s) and the circumstances of the
14 unauthorized disclosure to the relevant producing person(s) and (b) use best efforts to bind the
15 recipient(s) to the terms of this Protective Order. No information shall lose its confidential status
16 because it was disclosed to a person not authorized to receive it under this Protective Order. After the
17 conclusion of this litigation, all documents, in whatever form stored or reproduced, containing
18 Confidential documents will remain confidential and subject to this Protective Order. The conclusion
19 of this litigation means a termination of the case following applicable post-trial motions, appeal and/or
20 retrial.

21 9. After the conclusion of this litigation, all confidential documents received under the provisions
22 of this Protective Order, including all copies made, shall be tendered back to the attorneys for the
23 defendants in a manner in which the COUNTY OF FRESNO will be able to reasonably identify that all
24 documents were returned. Counsel for the plaintiffs will also take all reasonable and necessary steps to
25 ensure that persons to whom they disclose the confidential documents return the confidential documents
26 to the attorneys for the COUNTY OF FRESNO.

27 IT IS SO STIPULATED.

28 DATED: July 11, 2011

WEAKLEY & ARENDT, LLP

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By: /s/ Roy C. Santos
James J. Arendt
Roy C. Santos
Attorneys for Defendants

DATED: July 11, 2011

By: /s/ David M. Hollingsworth
David M. Hollingsworth
Attorney for Plaintiff

IT IS SO ORDERED.

Dated: July 26, 2011

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE