

1 KEVIN B. BRIGGS
County Counsel
2 MICHAEL R. LINDEN
Deputy County Counsel – State Bar No. 192485
3 FRESNO COUNTY COUNSEL
2220 Tulare Street, 5th Floor
4 Fresno, California 93721
5 Telephone: (559) 600-3479
Facsimile: (559) 600-3480
6
7 Attorneys for Defendant
COUNTY OF FRESNO

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9 **UNITED STATES DISTRICT COURT**
10 **EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION**

11 GENERAL SECURITY SERVICES
12 CORPORATION,

Case No. 1:11-CV-00724 MJS

13 Plaintiff,

STIPULATED PROTECTIVE ORDER

14 v.

15
16 COUNTY OF FRESNO,

17 Defendant.

18
19 IT IS HEREBY STIPULATED by, among, and between defendant COUNTY OF
20 FRESNO (hereinafter “Defendant”) and plaintiff GENERAL SECURITY SERVICES
21 CORPORATION (hereinafter “Plaintiff”), that certain documents sought by Plaintiff
22 pursuant to its Request for Production of Documents, Set No. 1, contain information
23 related to Juvenile Court proceedings, and as such will be produced subject the
24 following Protective Order:

25 1. The disclosed documents designated as “confidential” shall be used solely
26 in connection with the civil case entitled *General Security Services Corporation v.*
27 *County of Fresno*, United States District Court Case No. 1:11-CV-00724 MJS (Eastern
28 District of California), and in the preparation and trial of this action, and any related
proceedings. No waiver of any objection to the admissibility of the documents subject

1 to the instant protective order should be implied. Defendant also is not waiving any
2 objection previously set forth to the aforementioned Request for Production of
3 Documents.

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

5 a. Probation Department “face sheets” for juvenile probationers
6 identified by Plaintiff in their claim for reimbursement under the subject contract;

7 b. All portions of the Probation Department’s chronology documents
8 for each juvenile probationer identified by Plaintiff in their claim for reimbursement under
9 the subject contract related to electronic monitoring;

10 c. Documents containing electronic monitoring information for each
11 juvenile probationer identified by Plaintiff in their claim for reimbursement under the
12 subject contract related to electronic monitoring;

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

15 a) Barak Vaughn and Kelly Everett, Plaintiff counsel for Plaintiff, and
16 all necessary person of Plaintiff;

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

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

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

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

27 4. Each recipient of documents or materials identified above, shall be
28 provided with a copy of this Stipulated Protective Order, which he or she shall read prior

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

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

14 6. Copies of "Confidential" Documents

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

17 a) Plaintiff's counsel shall receive one copy of the documents or
18 materials designated as "confidential" above.

19 b) Plaintiff's counsel shall not copy, duplicate, furnish, disclose, or
20 otherwise divulge any information contained in the "confidential" documents to any
21 source except those individuals to whom disclosure is permitted pursuant to paragraph
22 3, supra, without further order of the Court or authorization from counsel for Defendants.

23 7. Notwithstanding the provisions of paragraph 3 of this Stipulated Protective
24 Order, documents or materials designated as "confidential" and produced pursuant to
25 this Stipulated Protective Order may not be delivered, exhibited, or otherwise disclosed
26 to any reporter, writer, or employee of any trade publication, newspaper, magazine, or
27 other media organization.

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1 8. Should any documents or materials designated “confidential” and
2 identified above be disclosed, through inadvertence or otherwise, to any person or entity
3 not authorized to receive it under this Stipulated Protective Order, the disclosing
4 person(s) shall promptly:

5 a) Inform counsel for the defendants of the recipient(s) and the
6 circumstances of the disclosure, and

7 b) Use best efforts to bind the recipient(s) to the terms of the
8 Protective Order. Documents shall not lose their confidential status due to an
9 unauthorized disclosure.

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

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

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

23 11. If any party appeals a jury verdict, or order terminating the case, Plaintiff’s
24 counsel shall retain possession of all documents or materials designated “confidential”
25 pending final outcome of the appeal after which they shall be returned to counsel for the
26 defendants.

27 12. This Stipulated Protective Order shall remain in full force and effect and
28 shall continue to be binding on all parties and affected persons after this litigation

1 terminates, subject to any subsequent modifications of this Stipulated Protective Order
2 for good cause shown by this Court, or any Court having jurisdiction of an appeal of this
3 action. After this action terminates, any party may seek to modify or dissolve this
4 Stipulated Protective Order by Court order for good cause shown or by the parties'
5 stipulation.

6 13. The Court shall retain jurisdiction, even after this lawsuit terminates, (a) to
7 make such amendments, modifications, and additions to this Protective Order as it may
8 from time to time deem appropriate upon good cause shown and (b) to adjudicate any
9 dispute respecting improper use or disclosure of "confidential" material.

10 **IT IS SO STIPULATED.**

11 Dated: April 23, 2012

12 KEVIN B. BRIGGS
13 County Counsel

14 By: /s/ Michael Linden
15 Michael R. Linden, Deputy
16 Attorneys for Defendant

17 Dated: April 16, 2012

18 VAUGHN LEGAL GROUP

19 By: /s/ Kelly Everett
20 Kelly Everett
21 Attorney for Plaintiff

22 **ORDER**

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26 IT IS SO ORDERED.

27 Dated: April 20, 2012

28 /s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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