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 2 **COUNTY OF KERN, STATE OF CALIFORNIA**
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9 **Attorney for Defendants,**
 10 **County of Kern, Deputy Wesley Kraft,**
 11 **Deputy Aaron Nadal and Donny Youngblood**

12 **UNITED STATES DISTRICT COURT**
 13 **EASTERN DISTRICT OF CALIFORNIA**

14 DAVID LEE TURNER, JR, as
 15 Successor in Interest to DAVID LEE
 16 TURNER, SR., deceased, ALFONSO
 17 TURNER, AHMAD TURNER,
 18 WHITTNEY TURNER, JALISA
 19 TURNER, TIFFANY TURNER,
 20 NACOLE TURNER, DESMOND
 21 TURNER,

22 Plaintiffs,

23 v.

24 COUNTY OF KERN, a municipal
 25 corporation; DEPUTY WESLEY
 26 KRAFT, an individual; DEPUTY
 27 AARON NADAL, an individual; DONNY
 28 YOUNGBLOOD, an individual, and
 DOES 1 through 10, inclusive,

Defendants.

Case No. 1:11-cv-01366-AWI-SKO

STIPULATION OF THE PARTIES FOR A
 PROTECTIVE ORDER REGARDING
 DISCOVERY OF PEACE OFFICER
 RECORDS FROM DEFENDANTS;
 ORDER THEREON

COME NOW, the Parties herein, by and through their respective counsel of record:
 Brian T. Dunn, Esq., The Cochran Firm, for Plaintiffs DAVID LEE TURNER JR., ALFONSO
 TURNER, AHMAD TURNER, WHITTNEY TURNER, JALISA TURNER, TIFFANY

Stipulation of the Parties for a Protective Order Regarding Discovery of Peace Officer
 Records from Defendants; Order Thereon

1 TURNER, NACOLE TURNER and DESMOND TURNER (hereinafter collectively
2 “Plaintiffs”); and Marshall S. Fontes, Deputy, Office of Kern County Counsel, for
3 Defendants COUNTY OF KERN, DEPUTY WESLEY KRAFT, DEPUTY AARON NADAL
4 and DONNY YOUNGBLOOD (hereinafter collectively “County Defendants”). The Parties,
5 with the authority of their respective clients, agree as follows:

6 1. The Parties have met and conferred regarding various issues regarding
7 discovery in this matter in an effort to informally resolve various issues.

8 2. Plaintiffs have requested Defendant County of Kern produce records,
9 identified in its Initial Rule 26 Disclosure, which qualify as peace officer personnel records
10 under California Penal Code §§832.7 and 832.8.

11 3. Counsel for County Defendants is informed and believes that a protective
12 order is needed in order to protect the peace officers’ rights and records from inappropriate
13 use and/or disclosure, including but not limited to the personnel records of Defendants
14 Kraft, Nadal and Youngblood.

15 4. In order to comply with Plaintiffs’ discovery requests, and also to avoid
16 occupying the Court’s time with numerous requests to view the documents in camera
17 pursuant to California Evidence Code §§1043 and 1045, the Parties are willing to agree
18 that the documents may be produced provided the attached Protective Order is issued by
19 the Court prior to production of the documents.

20 5. The Parties each agree to be bound by the terms of the Protective Order and
21 counsel, by signing this stipulation, are representing to the Court that they have informed
22 or will inform their clients of the terms of the protective order prior to production of the
23 documents.

24 6. The Parties agree that this stipulation may be signed in counterpart.

25 7. The Parties respectfully request the Court’s consideration of this request.

26 **THEREFORE, IT IS HEREBY STIPULATED:**

27 1. All documents produced by the County of Kern in response to Plaintiffs’
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1 discovery requests which qualify as peace officer records under California Penal Code §§
2 832.7 and 832.8, (including but not limited to personnel records, internal affairs reports,
3 interviews, investigative reports, statements, employment evaluations, or other information
4 from an officer's personnel file, including but not limited to allegations of excessive force,
5 infliction of bodily injury, untruthfulness, assault and/or battery, physical altercations and/or
6 conduct unbecoming) shall be subject to the following orders:

- 7 a) The records shall not be copied or disseminated outside of any
8 attorney's office except for review by retained experts or a party to this
9 action.
- 10 b) The only persons who shall be authorized to view the records will be
11 the involved attorneys, the attorneys' office staff, retained experts
12 and/or parties to this action.
- 13 c) The contents of the records shall not be discussed with, or
14 disseminated to, (either verbally, in writing, or in any other form) any
15 person that is not one of the involved attorneys, the attorneys' office
16 staff, retained experts and/or parties to this action.
- 17 d) The records shall not be provided to the news media directly or
18 indirectly in any form or manner.
- 19 e) The records shall be utilized only in connection with this litigation and
20 for no other purpose whatsoever, at any time, ever.
- 21 f) At the conclusion of this litigation, all produced peace officer records
22 and any copies thereof, including exhibits to depositions, shall be
23 returned to the offices of Kern County Counsel.

24 2. All personal information incorporated in the personnel records, including but
25 not limited to home addresses, phone numbers, birth dates and relatives names, may be
26 redacted. If the redacted portion is subsequently determined by this Court or by stipulation
27 to be relevant, the non-redacted relevant material will be produced but shall be subject to
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1 a more restrictive protective order.

2 3. No counsel shall file with this Court, or any other court, any of the produced
3 peace officer records subject to this protective order, either as an exhibit to a motion or
4 otherwise, unless the subject court has previously issued an order sealing such record.

5 4. Any person, or persons, violating this order shall be subject to sanctions and
6 costs of motion.

7 Dated: April 4, 2012

THE COCHRAN FIRM

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By /s/ Brian T. Dunn
Brian T. Dunn, Esq.
Attorneys for Plaintiffs David Lee Turner Jr.,
Alfonso Turner, Ahmad Turner, Whitney Turner,
10 Jalisa Turner, Tiffany Turner, Nacole Turner and
11 Desmond Turner

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13 Dated: April 5, 2012

THERESA A. GOLDNER, COUNTY COUNSEL

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By /s/ Marshall S. Fontes
Marshall S. Fontes, Deputy
Attorneys for Defendants County of Kern,
15 Deputy Wesley Kraft, Deputy Aaron Nadal and
16 Donny Youngblood

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ORDER

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The parties having stipulated thereto and good cause appearing therefor,

21 **IT IS SO ORDERED.**

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23 IT IS SO ORDERED.

24 **Dated: April 9, 2012**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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