

1 Richard H. Schoenberger SBN 122190
2 Spencer J. Pahlke, SBN 250914
3 WALKUP, MELODIA, KELLY &
4 SCHOENBERGER
5 650 California Street, 26th Floor
6 San Francisco, CA 94108
7 Tel: (415) 981-7210
8 Fax: (415) 391-6965

9 Attorneys for Plaintiffs IRINA ENGERT,
10 ANNE ENGERT, and RON ENGERT

11 **P O R T E R | S C O T T**

12 A PROFESSIONAL CORPORATION
13 Terence J. Cassidy, SBN 099180
14 Kristina M. Hall, SBN 196794
15 Lauren E. Calnero, SBN 284655
16 350 University Avenue, Suite 200
17 Sacramento, California 95825
18 Tel: 916.929.1481
19 Fax: 916.927.3706

20 Attorneys for Defendant COUNTY OF
21 STANIŠLAUS, SHERIFF ADAM
22 CHRISTIANSON and LIEUTENANT CLIFF
23 HARPER

24 Jesse M. Rivera, SBN 84259
25 Jill B. Nathan, SBN 186136
26 RIVERA & ASSOCIATES
27 2180 Harvard St Ste 310
28 Sacramento, CA 95815
Tel: (916) 922-1200
Fax: (916) 922-1303

Attorneys for Defendant SERGEANT
MANUEL MARTINEZ

Sean D. O'Dowd SBN 296320
GOYETTE & ASSOCIATES
2366 Gold Meadow Way Ste 200
Gold River, CA 95670
Tel: (916) 851-1900
Fax: (916) 851-1995

Attorney for Defendant SERGEANT MANUEL
MARTINEZ

Bruce A. Kilday, SBN 66415
Amie C. McTavish, SBN 242372
ANGELO, KILDAY & KILDUFF, LLP
601 University Avenue Suite 150
Sacramento, CA 958625
Tel: (916) 564-6100
Fax: (916) 564-6263

Attorney for Defendants DEPUTY MICHAEL
GLINSKAS and ESTATE OF ROBERT
PARIS, JR

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

1 IRINA ENGERT, ANNE ENGERT, and RON
2 ENGERT, Individually and as Successors-in-
3 Interest to Glendon Engert,

4 Plaintiffs,

5 vs.

6 STANISLAUS COUNTY; SHERIFF ADAM
7 CHRISTIANSON; ROBERT LEE PARIS, SR.
8 and ELIZABETH JANE PARIS, PERSONAL
9 REPRESENTATIVES TO THE ESTATE OF
10 DEPUTY SHERIFF ROBERT LEE PARIS,
11 JR.; DEPUTY MICHAEL GLINSKAS;
12 SERGEANT MANUEL MARTINEZ;
13 LIEUTENANT CLIFF HARPER; RT
14 FINANCIAL, INC.; RONI ROBERTS; and
15 DOES ONE through TWENTY-FIVE,
16 inclusive,

17 Defendants.

Case No.: 1:13-CV-00126-LJO-BAM

**STIPULATION TO PERMIT
DEFENDANTS COUNTY OF
STANISLAUS AND LT. CLIFF HARPER
TO FILE REPLIES TO OPPOSITION TO
MOTIONS FOR SUMMARY
JUDGMENT/ADJUDICATION AND ALL
RELATED DOCUMENTS UNDER SEAL;
ORDER**

16 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs IRINA ENGERT,
17 RON ENGERT and ANNE ENGERT, and Defendants COUNTY OF STANISLAUS, SHERIFF
18 ADAM CHRISTIANSON, LIEUTENANT CLIFF HARPER, SERGEANT MANUEL MARTINEZ,
19 DEPUTY MICHAEL GLINSKAS, the ESTATE OF DEPUTY ROBERT LEE PARIS, JR..
20 (collectively, the “Parties”), by and through their undersigned Counsel, pursuant to Local Rules 143,
21 144 and 230(f) as follows:

22 1. Defendants COUNTY OF STANISLAUS and LIEUTENANT CLIFF HARPER filed a
23 motion for summary judgment, or in the alternative, summary adjudication, on March 16, 2015.
24 Defendants’ motion was submitted in conjunction with a Notice of Request to Seal Documents and
25 Request to Seal due to the Motion and related documents containing confidential peace officer
26 personnel information and confidential medical information. The Court granted Defendants’ request on
27 March 18, 2015. (Docket No. 123)

1 2. Defendant SERGEANT MANUEL MARTINEZ filed a motion for summary judgment,
2 or in the alternative, summary adjudication, on March 16, 2015. Defendant MARTINEZ's motion also
3 was submitted in conjunction with a Request to Seal Documents on the same grounds as the COUNTY
4 and HARPER. The Court granted Defendant Martinez's request to seal documents on March 18, 2015.
5 (Docket No. 123)

6 3. Defendants DEPUTY MICHAEL GLINSKAS and the ESTATE OF DEPUTY
7 ROBERT LEE PARIS, JR. filed a motion for summary judgment, or in the alternative, summary
8 adjudication, on March 16, 2015. These Defendants joined in the Request to Seal Documents filed by
9 Defendants COUNTY OF STANISLAUS and LIEUTENANT CLIFF HARPER.

10 4. On April 7, 2015, Plaintiffs IRINA ENGERT, ANNE ENGERT and RON ENGERT
11 filed their Opposition to Defendants' Motions for Summary Judgment/Adjudication. For the same
12 reasons that Defendants requested that portions of their Motion and related evidence be submitted
13 under seal, Plaintiffs also requested that they be permitted to file their Opposition and related
14 documents under seal. (See Docket No. 171.) On April 7, 2015, the Court granted Plaintiffs' request
15 to file the Opposition and related materials under seal. (See Docket No. 172.)

16 5. Defendants COUNTY OF STANISLAUS and LT. CLIFF HARPER have prepared their
17 Reply briefs, Reply to Plaintiffs' Responses to Defendants' Separate Statement of Undisputed Material
18 Facts in Support of Motion for Summary Judgment/Adjudication, Response to Plaintiffs' Additional
19 Material Facts, and Objections and Motions to Strike Evidence, which are must be filed by April 15,
20 2015 in accordance with the terms of the modified briefing scheduled previously endorsed by the Court
21 (see Docket No. 125). All of the briefs and related documents that Defendants submit will incorporate
22 and restate the confidential information that was contained in both Defendants' moving papers and
23 Plaintiffs' Opposition thereto, as well as additional confidential information of the same nature as part
24 of the Reply. Specifically, the information sought to be filed under seal pertains to 1) discussions
25 regarding training and performance evaluations; 2) Deputy Paris's hearing and issues related thereto;
26 and 3) any information reflecting or discussing a complaint lodged by Deputy Mike Veil against
27 Deputy Paris and administrative notes reflecting steps taken by Lieutenant Cliff Harper, Sergeant
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1 Martinez and Captain Bill Duncan to address the concerns raised by Deputy Veil, as well as
2 investigative efforts relating to same.

3 6. Since all other briefs, arguments, pleadings, evidence and materials pertaining to
4 Defendants' Motion for Summary Judgment/Adjudication, and Plaintiffs' Opposition thereto, have
5 been filed under seal, Defendants inquired of the Court on April 15, 2015, as to whether the original
6 sealing order applicable to Defendants' Motion for Summary Judgment/Adjudication would also be
7 applicable to their Reply and related documents and pleadings. The Court's clerk directed Defendants
8 to file this Stipulation and Proposed Order for filing under seal.

9 7. In accordance with Eastern District Local Rule 141, Defendants COUNTY OF
10 STANISLAUS and LT. CLIFF HARPER make the following designations regarding portions of the
11 Replies and related pleadings that they request to be filed under seal:

- 12 • Reply Brief: Page 1, lines 12-13 and line 16; Page 3, lines 13-26; Page 4, lines 1-9 and lines 13-
13 28; Page 5, lines 1-5, lines 21-23, and line 26.
- 14 • Defendants' Reply to Plaintiffs' Response to Separate Statement of Undisputed Material Facts
15 in Support of Motion for Summary Judgment or, in the Alternative, Summary Adjudication.
16 Defendants seek to file the following UMF Numbers under seal: UMF Nos. 61, 79, 82, 83-103,
105-107, 109-114, 116, and 118.
- 17 • Defendants' Response to Plaintiffs' Separate Statement of Additional Material Facts: AMF
18 Nos. 1-90, 108 and 109.
- 19 • Defendants' Joint Objections to and Motions to Strike Plaintiffs' Evidence: Objection No. 9.
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22 8. The Parties believe and therefore stipulate that the foregoing documents should be
23 sealed and/or redacted throughout the duration of this action in accordance with the aforementioned
24 authorities and thereafter be destroyed following resolution and/or completion of this case. The Parties
25 further stipulate that these documents should be accessible only by the named parties, their counsel and
26 employees of counsel, the Court, and court personnel for purposes of this litigation only.
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1 Dated: April 15, 2015

ANGELO, KILDAY & KILDUFF, LLP

2 By /s/ Amie McTavish (authorized 4/15/15)
3 Bruce Kilday
4 Amie McTavish
5 Attorney for Defendants
6 DEPUTY MICHAEL GLINSKAS and ESTATE OF
7 DEPUTY ROBERT PARIS, JR.
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11 **ORDER**

12 Having reviewed the above stipulation and good cause appearing therefore, IT IS HEREBY
13 ORDERED that Defendants COUNTY OF STANISLAUS and LIEUTENANT CLIFF HARPER, may
14 file their Replies to Plaintiffs' Opposition to Defendants' Motions for Summary
15 Judgment/Adjudication and all pleadings and documents related thereto under seal.

16 IT IS SO ORDERED.

17 Dated: April 15, 2015

18 /s/ Lawrence J. O'Neill
19 UNITED STATES DISTRICT JUDGE
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