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1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF CALIFORNIA

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

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

AMENDED STIPULATED PROTECTIVE  
ORDER

6 Plaintiffs,

7 vs.

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

Defendants.

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17 Defendants COUNTY OF STANISLAUS, SHERIFF ADAM CHRISTIANSON,  
18 LIEUTENANT CLIFF HARPER, SERGEANT MANUAL MARTINEZ, DEPUTY MICHAEL  
19 GLINSKAS and the ESTATE OF DEPUTY ROBERT LEE PARIS, JR. in good faith believe that the  
20 following documents contain information that is (a) confidential, sensitive, or potentially invasive of an  
21 individual's privacy interests; (b) not generally known; (c) not normally revealed to the public or third  
22 parties, or, if disclosed to third parties, would require such third parties to maintain the information in  
23 confidence and (d) protected by the federal common law official information privilege.

24 Defendants take the position that these documents are Confidential:

25 1. Personnel record of persons employed by Stanislaus County Sheriff's Department,  
26 including but not limited to documents concerning, relating or referring to: background investigations,  
27 hiring, appointment, termination, job performance and evaluations, awards, commendations, and  
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1 recognition of all professional accomplishments, training, internal affairs investigative files, citizen  
2 complaints, charges of misconduct, resulting discipline or retraining.

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4 Plaintiffs IRINA ENGERT, ANNE ENGERT, and RON ENGERT, in good faith believe that  
5 the following documents contain information that is (a) confidential, sensitive, or potentially invasive  
6 of an individual's privacy interests; (b) not generally known; (c) not normally revealed to the public or  
7 third parties, or, if disclosed to third parties, would require such third parties to maintain the  
8 information in confidence; and (d) protected by federal and/or state law privileges.

9 Plaintiffs take the position that these documents are Confidential:

10 1. All records created by Dr. Quisling related to the care he provided to Glendon Engert  
11 and Irina Engert.

12 IT IS HEREBY STIPULATED by, among and between the parties through their counsels of  
13 record that the documents described herein may be designated as "Confidential" by Plaintiffs IRINA  
14 ENGERT, ANNE ENGERT and RON ENGERT or by COUNTY OF STANISLAUS, SHERIFF  
15 ADAM CHRISTIANSON, LIEUTENANT CLIFF HARPER, SERGEANT MANUAL MARTINEZ,  
16 DEPUTY MICHAEL GLINSKAS and the ESTATE OF DEPUTY ROBERT LEE PARIS, JR and  
17 produced subject to the following Protective Order:

18 1. The disclosed documents shall be used solely in connection with the civil case Irina  
19 Engert, et al. v. County of Stanislaus, et al., Case No. 1:13-CV-00126-LJO-BAM (USDC EDCA) and  
20 in the preparation and trial of the cases, or any related proceeding. The Parties do not waive any  
21 objections to the admissibility of the documents or portions thereof in future proceedings in this case,  
22 including trial. Any documents submitted in any related litigation that were under seal remain under  
23 seal in this action.

24 2. A party producing the documents and materials described herein may designate those  
25 materials as confidential by affixing a mark labelling them "Confidential" provided that such marking  
26 does not obscure or obliterate the content of any record. If any confidential materials cannot be labeled  
27 with this marking, those materials shall be placed in a sealed envelope or other container that is in turn  
28 marked "Confidential" in a manner agreed upon by the disclosing and requesting parties. Documents

1 may also bear a mark labelling them “Redacted” to protect third party privacy rights and information  
2 not subject to disclosure.

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4 3. Documents or materials designated under this Protective Order as “Confidential” may  
5 only be disclosed to the following persons:

6 (a) Richard H. Schoenberger and Spencer J. Pahlke of WALKUP, MELODIA, KELLY &  
7 SCHOENBERGER, and associate attorneys in their office, as counsel for Plaintiffs IRINA ENGERT, RON  
8 ENGERT, and ANNE ENGERT in the case enumerated above;

9 (b) Jesse Rivera and associate attorneys in his office, as counsel for Defendant Sergeant  
10 Manuel Martinez in the case enumerated above;

11 (c) Sean D. O’Dowd and shareholder and associate attorneys in his office, as counsel for  
12 Defendant Sergeant Manuel Martinez in the case enumerated above;

13 (d) Bruce K. Kilday and associates attorneys in his office, as counsel for Defendants  
14 Deputies Michael Glinskas and Robert Lee Paris, Jr. in the case enumerated above;

15 (e) Cornelius Callahan of BORTON PETRINI, LLP and associate attorney in his office, as  
16 counsel for Defendant RONI ROBERTS in the case enumerated above;

17 (f) Michael S. Warda and associate attorneys in his office, as counsel for Defendant RT  
18 FINANCIAL in the case enumerated above;

19 (g) Paralegal, clerical, and secretarial personnel regularly employed as counsel referred to in  
20 subparts (a), (b) and (c) immediately above, including stenographic deposition reports or videographers  
21 retained in connection with this action;

22 (h) Court personnel, including stenographic reporters or videographers engaged in  
23 proceedings as are necessarily incidental to the preparation for the trial in the civil action;

24 (i) Any expert, consultant, or investigator retained in connection with this action;

25 (j) The finder of facts at the time of trial, subject to the court’s rulings on in limine motions  
26 and objections of counsel; and,

27 (k) Witnesses during their depositions in this action.

28 4. Prior to the disclosure of any Confidential information to any person identified in

1 paragraph 3 and its sub-parts, each such recipient of Confidential information shall be provided with a  
2 copy of this Stipulated Protective Order, which he or she shall read. Upon reading this Protective  
3 Order, such person shall acknowledge in writing as follows:

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6 I have read the Protective Order that applies in Engert, et al. v. County of Stanislaus, et  
7 al., Case No. 1:13-CV-00126-LJO-BAM (USDC EDCA) and shall abide by its terms. I  
8 consent to be subject to the jurisdiction of the United States District Court for the  
9 Eastern District of California, including without limitation in any proceeding for  
contempt.

10 Such person also must consent to be subject to the jurisdiction of the United States District  
11 Court, Eastern District of California, including without limitation any proceeding for contempt.  
12 Provisions of this Stipulated Protective Order, insofar as they restrict disclosure and use of the material,  
13 shall be in effect until further order of this Court. The attorneys designated in subparts (a) and (b) of  
14 Paragraph 3 above shall be responsible for internally tracking the identities of those individuals to  
15 whom copies of documents marked Confidential are given. The Defendants may request the identities  
16 of said individual(s) upon the final termination of the litigation or if it is able to demonstrate a good  
17 faith basis that any of the other parties to this actions, or agents thereof, have breached the terms of the  
18 Stipulated Protective Order.

19 5. As to all documents or materials designated as "Confidential" pursuant to this Stipulated  
20 Protective Order, the parties agree that they will seek permission from the Court to file the Confidential  
21 information under seal according to Local Rule 141. If permission is granted, the Confidential material  
22 will be filed and served in accordance with Local Rule 141.

23 6. The designation of documents or information as "Confidential" and the subsequent  
24 production thereof is without prejudice to the right of any party to oppose the admissibility of the  
25 designated document or information.

26 7. A party may apply to the Court for an order that information or materials labeled  
27 "Confidential" are not, in fact, confidential. Prior to applying to the Court for such an order, the party  
28 seeking to reclassify Confidential information shall meet and confer with the producing party. Until  
the matter is resolved by the parties or the Court, the information in question shall continue to be

1 treated according to its designation under the terms of this Stipulated Protective Order. The producing  
2 party shall have the burden of establishing the propriety of the “Confidential” designation. A party  
3 shall not be obligated to challenge the propriety of a confidentiality designation at the time made and a  
4 failure to do so shall not preclude a subsequent challenge thereto.

5 8. Copies of Confidential Documents

6 The following procedures shall be utilized by the parties in production of documents and  
7 materials designated as “Confidential”:

8 (a) Counsel for parties other than the Defendants shall receive one copy of the Confidential  
9 documents at no charge.

10 (b) Counsel for parties other than the Defendants shall not copy, duplicate, furnish, disclose,  
11 or otherwise divulge any information contained in the confidential documents to any source,  
12 except those persons identified in Paragraph 3 herein, without further order of the Court or  
13 authorization from counsel for the Defendants.

14 (c) If the other parties in good faith require additional copies of documents marked  
15 “Confidential” in preparation of their case, they shall make a further request to counsel for the  
16 Defendants. Upon agreement with counsel for the Defendants, copies will be produced in a  
17 timely manner to the requesting party, pursuant to the procedures of this Stipulated Protective  
18 Order. Agreement shall not be unreasonably withheld by counsel for the Defendants.

19 9. If any document or information designated as confidential pursuant to this Stipulated  
20 Protective Order is used or disclosed during the course of a deposition, that portion of the deposition  
21 record reflecting such material shall be stamped with the appropriate designation and access shall be  
22 limited pursuant to the terms of this Stipulated Protective Order. The court reporter for the deposition  
23 shall mark the deposition transcript cover page and all appropriate pages or exhibits and each copy  
24 thereof, in accordance with paragraph 5 of this Stipulated Protective Order. Only individuals who are  
25 authorized by this Protective Order to see or receive such material may be present during the discussion  
26 or disclosure of such material.

27 10. Notwithstanding the provisions of Paragraph 3, confidential information produced  
28 pursuant to this Protective Order may not be delivered, exhibited or otherwise disclosed to any reporter,

1 writer or employee of any trade publication, newspaper, magazine or other media organization,  
2 including but not limited to radio and television media.

3 11. Should any information designated confidential be disclosed, through inadvertence or  
4 otherwise, to any person not authorized to receive it under this Protective Order, the disclosing  
5 person(s) shall promptly (a) inform counsel for the Defendants of the recipient(s) and the circumstances  
6 of the unauthorized disclosure to the relevant producing person(s) and (b) use best efforts to bind the  
7 recipient(s) to the terms of this Protective Order.

8 12. No information shall lose its confidential status because it was inadvertently or  
9 unintentionally disclosed to a person not authorized to receive it under this Protective Order. In  
10 addition, any information that is designated confidential and produced by the Defendants does not lose  
11 its confidential status due to any inadvertent or unintentional disclosure. In the event that the  
12 Defendants make any such inadvertent disclosure, the documents which are confidential will be  
13 identified accordingly, marked in accordance with Paragraph 2 above, and a copy of the Confidential-  
14 marked documents provided to the other parties to this action.

15 Upon receipt of the Confidential-marked documents, the receiving parties will return the  
16 unmarked version of the documents to counsel for the Defendants within fourteen (14) days.

17 13. After the conclusion of this litigation, all documents and materials, in whatever form  
18 stored or reproduced containing confidential information will remain confidential. All documents and  
19 materials produced to counsel for the other parties pursuant to this Stipulated Protective Order shall be  
20 returned to counsel for the Defendants in a manner in which counsel will be able to reasonably verify  
21 that all documents were returned. All parties agree to ensure that all persons to whom confidential  
22 documents or materials were disclosed shall be returned to counsel for Defendants. "Conclusion" of  
23 this litigation means a termination of the case following a trial or settlement.

24 14. No later than thirty (30) days after settlement or of receiving notice of the entry of an  
25 order, judgment, or decree terminating this action, all persons having received the confidential  
26 documents shall return said documents to counsel for the Defendants.

27 15. If any party appeals a jury verdict or order terminating the case, counsel for the  
28 Defendants shall maintain control of all copies of confidential documents. If following an appeal the

1 district court reopens the case for further proceedings, the documents shall be returned to counsel for  
2 the other parties.

3 16. This Stipulated Protective Order shall remain in full force and effect and shall continue  
4 to be binding on all parties and affected persons until this litigation terminates, subject to any  
5 subsequent modifications of this Stipulated Protective Order for good cause shown by this Court or any  
6 Court having jurisdiction over an appeal of this action. Upon termination of this litigation, the parties  
7 agree the Stipulated Protective Order shall continue in force as a private agreement between the parties.

8 17. During the pendency of this lawsuit, the Court shall (a) make such amendments,  
9 modifications and additions to this Protective Order as it may deem appropriate upon good cause  
10 shown; and, (b) adjudicate any dispute arising under it.

11 IT IS SO STIPULATED.

12 Respectfully submitted,

13  
14 Dated: November 7, 2014

WALKUP, MELODIA, KELLY & SCHOENBERGER

15 By /s/ Spencer J. Pahlke  
16 Richard H. Schoenberger  
17 Spencer J. Pahlke  
18 Attorneys for Plaintiffs  
IRINA ENGERT, ANNE ENGERT, and RON ENGERT

19 Dated: November 7, 2014

PORTER SCOTT  
A PROFESSIONAL CORPORATION

20  
21 By /s/ Terence J. Cassidy  
22 Terence J. Cassidy  
23 John R. Whitefleet  
24 Lauren E. Calnero  
25 Attorneys for Defendants  
COUNTY OF STANISLAUS; SHERIFF ADAM  
CHRISTIANSON; LIEUTENANT CLIFF HARPER

26  
27  
28 Dated: November 6, 2014

RIVERA & ASSOCIATES



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By /s/ Jesse M. Rivera  
Jesse M. Rivera  
Attorney for Defendant  
SERGEANT MANUEL MARTINEZ

Dated: November 6, 2014

GOYETTE & ASSOCIATES

By /s/ Sean D. O'Dowd  
Sean O'Dowd  
Attorney for Defendant  
SERGEANT MANUEL MARTINEZ

Dated: November 7, 2014

ANGELO, KILDAY & KILDUFF, LLP

By /s/ Amie McTavish  
Bruce Kilday  
Amie McTavish  
Attorney for Defendants  
DEPUTY MICHAEL GLINSKAS and ESTATE OF  
DEPUTY ROBERT PARIS, JR.

Dated: November 7, 2014

BORTON PETRINI, LLP

By /s/ Cornelius John Callahan  
Cornelius John Callahan  
Attorney for Defendant RONI ROBERTS

Dated: November 7, 2014

MICHAEL S. WARDA, A PROFESSIONAL LAW  
CORPORATION

By /s/ Michael S. Warda  
Michael S. Warda  
Attorney for Defendant RT FINANCIAL, INC.

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**ORDER**

Having considered the stipulated protective order filed and signed by all parties on November 7, 2014, pursuant to Local Rule 141, the Court adopts the amended protective order in its entirety.

IT IS SO ORDERED.

Dated: November 13, 2014

/s/ *Barbara A. McAuliffe*  
UNITED STATES MAGISTRATE JUDGE