

1 ROBERT NAVARRO
State Bar No. 128461
2 Attorney at Law
1295 North Wishon Avenue, Suite 207
3 Fresno, California 93728
tel: 559.240.2354 fax 559.497.5471
4 robrojo@att.net

5 CAROLYN D. PHILLIPS
State Bar No. 103045
Attorney at Law
6 P.O. Box 5622
Fresno, California 93755-5622
7 tel: 559.248.9833 fax: 559.248.9820
cdp18@sbcglobal.net

8 Attorneys for Plaintiff Dominic Hanna

9 UNITED STATES DISTRICT COURT

10 FOR THE EASTERN DISTRICT OF CALIFORNIA

11 DOMINIC HANNA,

12 Plaintiff,

13 v.

14 FRESNO COUNTY, et al.,

15 Defendants.

Case No. 1:14-CV-00142-LJO-SKO

**STIPULATED PROTECTIVE ORDER
REGARDING DISCOVERY IN
HALL v. COUNTY OF FRESNO**

16 Subject to the approval of this Court, the parties, defendants by and through counsel
17 Carey Johnson and Michelle Pepper, and plaintiff through his counsel of record Robert Navarro
18 and Carolyn Phillips, along with counsel for all parties in *Hall et al., v. County of Fresno, et al.*,
19 U.S. District Court, Case No.1:11-cv-2047 LJO, (*Hall*), defendants by and through Fresno
20 County Counsel Daniel Cederborg and plaintiffs by and through their counsel Prison Law Office
21 Senior Staff Attorney Alison Hardy, hereby stipulate to the following protective order regarding
22 the *Hall* defendants' discovery responses containing confidential materials:

1 1) Notwithstanding protective orders in the *Hall* case (Doc. nos. 51 and 119 therein),
2 which remain in full force and effect except as modified by this document, discovery responses,
3 including those marked “CONFIDENTIAL,” produced by defendants in *Hall, et al. v. County of*
4 *Fresno, et al.*, U.S. District Court Case No.1:11-cv-2047, including but not limited to written
5 responses, documents, electronic materials, records and other materials,¹ may be disclosed or
6 made available only to the Court, to counsel for the parties in *Hanna v. County of Fresno*, Case
7 No. 1:14-cv-00142, (including the paralegal, clerical, and secretarial staff employed by such
8 counsel), and to the “qualified person” designated below:

9 a) Fresno County Risk Management on behalf of the Fresno County Board
10 of Supervisors;

11 b) experts, consultants, psychologists, psychiatrists, or other health care
12 professionals retained by such counsel to assist in the prosecution, defense, or settlement of this
13 action;

14 c) court reporter(s) employed in this action;

15 d) a witness at any deposition or other proceeding in this action; and

16 e) any other person as to whom the parties in writing agree.

17 ¹ Production of confidential materials in the *Hall* case is subject to the following
18 limitations: (a) The four sealed *Hall* expert reports submitted are not included in the
19 discovery materials at issue in this protective order (*Hall*, Doc. 123); (b) no documents
20 produced by the *Hall* plaintiffs to the *Hall* defendants will be produced to any party in
21 *Hanna*; and (c), the following confidential documents in *Hall* will not be produced to
22 any party in *Hanna* – Murphy Medical Records (DEF009759 - 009876); Hall Medical
23 Records (DEF010546 – 010874); Gonzalez Medical Records (DEF010875 – 011004);
 Merryman Medical Records (DEF011005 – 011158); Singh Medical Records
 (DEF011159 – 011544); Class members’ grievances re healthcare (DEF015330 –
 018496).

1 2) Each “qualified person” to whom disclosure of the confidential material is made
2 shall prior to the time of disclosure be provided by the person furnishing such materials a copy
3 of this Order, and shall execute a nondisclosure agreement in the form of Attachment A, to be
4 maintained by counsel.

5 3) Depositions shall be taken only in the presence of qualified persons.

6 4) If any medical and psychiatric records, subject to this protective order, are
7 included in any papers to be filed in Court, such papers shall be labeled “Confidential – Subject
8 to Court Order” and filed under seal until further order of this Court.

9 5) In the event that any of the above-described confidential material is used in any
10 court proceeding in this action, it shall not lose its confidential status through such use, and the
11 party using such shall take all reasonable steps to maintain its confidentiality during such use.

12 6) Nothing in this Order nor the production of any information or document under
13 the terms of this Order nor any proceedings pursuant to this Order shall be deemed to have the
14 effect of an admission or waiver by any party or of altering the confidentiality or noncom-
15 fidentiality of any such document or information or altering any existing obligation of any party
16 or the absence thereof.

17 7) Upon termination of this case, counsel for the parties in *Hanna* shall assemble all
18 protected records, all deposition transcripts, and all copies of same, and destroy these documents.
19 Each party shall certify the destruction thereof.

20 IT IS SO STIPULATED:

21 ///

22 ///

23 ///

 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

Dated: 2016

ROBERT NAVARRO
CAROLYN D. PHILLIPS

By: /s/Carolyn D. Phillips
Carolyn D. Phillips
Attorneys for Plaintiff
DOMINIC HANNA

Dated: 2016

STAMMER, McKNIGHT, BARNUM &
BAILEY, LLP

By: /s/ Carey Johnson
CAREY JOHNSON
Attorneys for Defendants COUNTY OF FRESNO,
MARGARET MIMS, EDWARD MORENO,
PRATAP NARAYEN, RICK HILL, MARILYNN
WELDON, TRICIA NEKOLA, KAREN NUNEZ,
and THAYIN VU

Dated: 2016

FRESNO COUNTY COUNSEL

By: /s/Daniel Cederborg
DANIEL CEDERBORG
Attorneys for Defendants in
Hall, et al., v. Count of Fresno, et al.,
USDC Case No. 1:11-cv-2047-cv-2047

//
//
//
//
//
//
//

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

Dated: 2016

PRISON LAW OFFICE

By /s/Alison Hardy
ALISON HARDY, Sen. Staff Attorney
Attorneys for Plaintiffs in
Hall, et al., v. County of Fresno, et al.,
USDC Case No. 1:11-cv-2047

ORDER

Pursuant to Rule 141.1 of the Local Rules of the United States District Court, Eastern District of California, the parties' Stipulated Protective Order Regarding Discovery in *Hall et al., v. County of Fresno, et al.*, U.S. District Court, Case No.1:11-cv-2047-LJO-BAM, is hereby approved.

IT IS SO ORDERED.

Dated: June 6, 2016

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

I, _____, have read the Protective Order in *Hanna v. County of Fresno*, Case No. 1:14-cv-00142-LJO-SKO). I understand and agree to be bound by and abide by its terms. I agree that all information provided to me in this matter is to be treated as confidential. I further consent to be subject to the jurisdiction of the United States District Court for the Eastern District of California for the purposes of any proceeding relating to the enforcement of this Order, including, without limitation, any proceeding for contempt.

Date: _____

Signature

Printed Name