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10 IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
11

12
13 **WAYNE STEVEN ANDERSON,**
14 Plaintiff,
15 v.
16 **CALIFORNIA HIGHWAY PATROL**
17 **OFFICER JOHN MARSH and DOES 1-20,**
18 Defendant.
19

Case No. CV14-01599 TLN-SAB
STIPULATION FOR PROTECTIVE ORDER
AND ORDER

20 The following Stipulated Protective Order shall govern the use and disclosure of the
21 documents and materials listed herein, and any other documents that are designated “confidential”
22 by the producing party.

23 **ITEMS SUBJECT TO THIS STIPULATED PROTECTIVE ORDER**

- 24 (A) Highway Patrol Manual 70.6 - Officer Safety Manual (portions in effect October 2012):
25 Chapter 1 - Use of Force (Rev. July 2012)
26 Chapter 2 - Discharge of Firearms
27 Chapter 3 - Highway Enforcement
28 Chapter 5 - Pursuit Policy and Emergency Vehicle Operations (January 2011)

- 1 Chapter 7 - Speed Enforcement (May 2011)
- 2 Chapter 8 - High Risk and Felony Apprehensions (January 2008)
- 3 Chapter 9 - Stopping the Violator and Controlling Enforcement Stops (May 1999)
- 4 Table of Contents for HPM 70.6 (Officer Safety Manual)
- 5 (B) Highway Patrol Manual 100.68 (portions in effect October 2012)
 - 6 Chapter 1 - Patrol and General Enforcement Guidelines
 - 7 Chapter 3 - Highway Enforcement
- 8 (C) Shooting Incident Report (Bates 001, 003-245, 247-288) re Officer Marsh.
- 9 (D) Mobile Video Audio Recording System recordings.
- 10 (E) Wayne Steven Anderson's medical records.
- 11 (F) Wayne Steven Anderson's criminal records.

12 **TERMS AND CONDITIONS OF STIPULATED PROTECTIVE ORDER**

13 Production of the documents and materials listed above will be subject to the following
14 conditions and the Court's Protective Order:

- 15 1. The documents, materials and their contents may be used by plaintiff and his counsel
16 only in this litigation and may not be used in separate proceedings or actions at this time or in the
17 future without first being obtained through proper discovery procedures or court orders in those
18 separate proceedings or actions.
- 19 2. The documents and their contents may not be disclosed, copied, distributed, shown,
20 described, or read to any person or entity (including, but not limited to, media representatives) by
21 plaintiff or his counsel, representatives or agents, other than (a) the parties to this litigation;
22 (b) the parties' attorneys, paralegals, and legal office staff in this litigation; (c) the parties' expert
23 consultants in this litigation for purposes of expert consultation and trial testimony preparation;
24 and (d) the Court in this action, filed under seal, for purposes of this litigation.
- 25 3. The plaintiff's expert consultants must sign an acknowledgment and agreement to be
26 bound by the terms of this Stipulation for Protective Order and Order, an executed copy of which
27 will be provided to defendant's counsel within seven (7) days after formal disclosure of such
28 consultants as expert witnesses in this litigation. The acknowledgment and agreement must

1 contain the following language:

2 “As an expert witness for the plaintiff in this lawsuit, I hereby acknowledge receipt of
3 a copy of the signed Stipulation for Protective Order and Order, approved and entered
4 by the Court in this action, and I agree to be bound by all terms and conditions in that
5 Protective Order and recognize that I may be personally found in contempt of Court
6 or subject to other sanctions determined by the Court should I violate any term or
7 condition in that Protective Order.”

8 4. All documents and materials produced subject to this Stipulated Protective Order will be
9 clearly marked “Confidential” to indicate that they are subject to this Protective Order.

10 5. Except for documents and materials filed under seal by the court, all originals and copies
11 of documents and materials produced subject to this Stipulated Protective Order shall be returned
12 to defendant’s counsel within ten (10) days after final termination of this litigation, whether such
13 termination occurs by settlement, judgment, dismissal, appeal or otherwise.

14 6. This Protective Order does not in any way affect or prejudice the right of any party at the
15 time of trial or other proceedings in this action to object to the admissibility of said documents or
16 materials at the trial or in other proceedings of this action.

17 7. Any writings or other documents stipulated in writing by the parties to be confidential
18 and subject to this Stipulated Protective Order, and produced subsequent to the date this
19 Protective Order is signed by the Court, shall also be subject to all the terms of this Stipulated
20 Protective Order.

21 8. If any party intends to file a motion that includes as an exhibit any writing(s) subject to
22 this Protective Order, that party shall meet and confer with the opposing party. If the producing
23 party maintains its position that the documents are confidential, the party intending to file the
24 documents must file a motion to file the documents under seal pursuant to Eastern District
25 General Local Rule 141.

26 9. Violation of this Protective Order by any party or any other person, including but not
27 limited to any party’s expert witnesses and consultants, will result in sanctions to be determined
28 by the Court upon application by any other party.

10. This Stipulated Protective Order and the obligations of all persons subject to it,
including those relating to the disclosure and use of the materials specified herein, shall survive

1 the final termination of this case, whether such termination is by settlement, judgment, dismissal,
2 appeal or otherwise.

3 11. Nothing in this Stipulated Protective Order is intended to prevent authorized
4 individuals from having access to the documents and materials specified herein to which they
5 would have had access in the normal course of their duties.

6 **SO STIPULATED:**

7 Dated: February 12, 2015

ANDREW C. SCHWARTZ
ADAM M. CARLSON
CASPER, MEADOWS, SCHWARTZ & COOK

8
9 /s/Adam M. Carlson

10 ADAM M. CARLSON, ESQ.
Attorneys for Plaintiff Wayne Steven Anderson

11 Dated: February 12, 2015

KAREN L. SNELL
ATTORNEY AT LAW

12
13 /s/Karen L. Snell

14 KAREN L. SNELL, ESQ.
Attorney for Plaintiff Wayne Steven Anderson

15 Dated: February 12, 2015

KAMALA D. HARRIS
Attorney General of California
JEFFREY R. VINCENT
Supervising Deputy Attorney General

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18 /s/Wil Fong

19 WIL FONG
Deputy Attorney General
Attorneys for Defendant CHP Officer John Marsh

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21 **ORDER**

22 Upon good cause shown, the above Stipulation of the parties is hereby approved and made
23 the Order of this Court.

24 IT IS SO ORDERED.

25 Dated: February 12, 2015

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UNITED STATES MAGISTRATE JUDGE