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Attorney for Defendants

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION

STEPHANIE WARCHOL AND J.M., A
MINOR, BY AND THROUGH HIS
GUARDIAN AD LITEM STEPHANIE
WARCHOL,

PLAINTIFFS,

VS.

KINGS COUNTY OFFICE OF EDUCATION;
JOYCE BINGHAM; DAMIEN PHILLIPS;
AND DOES 1-20,

DEFENDANTS.

Case No. 1:17-cv-00106-DAD-MJS

**STIPULATION AND ORDER
DIRECTING PRODUCTION OF
REPORT OF KINGS COUNTY
SHERIFF'S DEPARTMENT AND
CRIMINAL COMPLAINT**

1 IT IS HEREBY STIPULATED by and between the parties hereto that:

2 1. This action arises out of allegations of abuse by Plaintiff J.M., who was a student at
3 Shelly Baird School within Defendant Kings County Office of Education during the 2015-2016
4 school year. J.M. alleges that he was abused by Defendant Joyce Bingham. An incident of alleged
5 abuse was reported to Kings County Sheriff's Department.

6 2. The Kings County Sheriff's Department conducted an investigation into these
7 allegations, and prepared a report(s) related to the investigation, #15-K023940.

8 3. The investigation revealed that Defendant Bingham has been accused of child abuse
9 before. On July 3, 2014, a school nurse reported to Damien Phillips that she witnessed Bingham
10 slap a non-verbal, intellectually disabled student. The Sheriff's Department prepared a report
11 documenting the allegation and investigation (#14K016773).

12 4. The parties respectfully request that the Court issue an order directing the release of
13 Sheriff's report 14K016773 directly to counsel for Plaintiffs and Defendants. The parties agree that
14 the materials will be used only for the purposes of this litigation and the related state court action
15 (Superior Court of the State of California, Kings County, Case No. 16C-0353), and will be subject
16 to the protective order in this action, and not be disclosed to any party other than the parties,
17 counsel, employees of the law firms representing the parties and consultants retained by the parties
18 for this litigation and the related state court action.

19 Dated: May 4, 2017

LAW OFFICES OF TODD BOLEY

20
21 By: /s/ Zoya Yarnykh
22 ZOYA YARNYKH, SBN 258062
Attorney for Plaintiffs

23 Dated: May 4, 2017

LAW OFFICES OF GREGORY L. MYERS

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25 By: /s/ Gregory L. Myers
26 GREGORY L. MYERS, SBN 95743
27 Attorney for Defendants

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ORDER

THE PARTIES HAVING STIPULATED THERETO AND GOOD CAUSE

APPEARING THEREFORE, it is hereby ordered that Kings County Sheriff's Department release a copy of the report #14K016773 directly to counsel for Plaintiffs and Defendants herein. The material obtained from the Sheriff's Department will be used only for the purposes of this litigation and the related state court action, and will be subject to the protective order in this action, and will not be disclosed to any party other than the parties, counsel, employees of the law firms representing the parties and consultants retained by the parties for this litigation and the related state court action.

IT IS SO ORDERED.

Dated: May 10, 2017

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE