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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 ANGELINA NUNES, et al.,

12 Plaintiffs,

13 v.

14 COUNTY OF STANISLAUS, et al.,

15 Defendants.
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Case No. 1:17-cv-00633-DAD-SAB

ORDER DENYING STIPULATION
REGARDING JUVENILE CASE RECORDS

(ECF No. 27)

17 On May 5, 2017, Plaintiffs Angelina Nunes, Emanuel Alves, and two minor children filed
18 this action against the County of Stanislaus, Kristen Johnson, and Eric Anderson alleging claims
19 based upon the removal of the minor children by social workers. (ECF No. 1.) On October 19, 2017,
20 the scheduling order issued in this action. (ECF No. 24.) On November 2, 2017, the parties filed a
21 stipulation to require the Clerk of the Juvenile Court to produce records contained in the juvenile
22 dependency case files. (ECF No. 25.) An informal teleconference was held on November 3, 2017, to
23 discuss whether this Court had jurisdiction to order the Juvenile Court to produce such records.
24 (ECF No. 26.)

25 The parties filed an amended stipulation on November 9, 2017, addressing the confidentiality
26 of the records, but did not address the jurisdictional issue. (ECF No. 27.) On November 13, 2017, an
27 order issued requiring the parties to provide supplemental briefing regarding this Court's jurisdiction
28 over the Juvenile Court or to file a notice of withdrawal of the stipulation by November 16, 2017.

1 (ECF No. 28.) The parties did not provide supplemental briefing nor was a notice of withdrawal of
2 the stipulation filed.

3 As discussed in the November 13, 2017 order, the juvenile court is not a party to this action
4 and therefore obtaining discovery from the third party must proceed under Rule 45 of the Federal
5 Rules of Civil Procedure. The parties have provided no indication that a subpoena was served on the
6 Juvenile Court pursuant to Rule 45. Accordingly, the stipulation regarding juvenile case records is
7 HEREBY DENIED.

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9 IT IS SO ORDERED.

10 Dated: November 17, 2017


UNITED STATES MAGISTRATE JUDGE