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8 *Attorney for Plaintiffs,*  
9 **MICHAEL SCOTT TAYLOR, LORI MELVILLE**

10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF CALIFORNIA**

|    |                                     |   |                                   |
|----|-------------------------------------|---|-----------------------------------|
| 12 | <b>MICHAEL SCOTT TAYLOR,</b>        | ) | <b>Case No. 1:18-cv-00760-BAM</b> |
| 13 | <b>LORI MELVILLE,</b>               | ) |                                   |
| 14 |                                     | ) | STIPULATION AND PROTECTIVE        |
| 15 | Plaintiffs,                         | ) | ORDER REGARDING PLAINTIFFS’       |
| 16 |                                     | ) | PRODUCTION OF MATERIALS IN        |
| 17 | vs.                                 | ) | RESPONSE TO COUNTY OF             |
| 18 |                                     | ) | CALAVERAS’ REQUEST FOR            |
| 19 | <b>COUNTY OF CALAVERAS, et al.,</b> | ) | PRODUCTION OF DOCUMENTS           |
| 20 |                                     | ) |                                   |
| 21 | Defendants.                         | ) | Hon. Barbara A. McAuliffe         |
| 22 |                                     | ) |                                   |

23 **IT IS HEREBY STIPULATED BY AND BETWEEN** Defendants COUNTY OF  
24 CALAVERAS, CALAVERAS COUNTY SHERIFF RICK DIBASILIO, DEPUTY GEOFFREY  
25 RAMOS, DEPUTY TALYA-ANN MATTOS and DEPUTY KEVIN STEVENS (collectively  
26 referred to herein as “County”), and Plaintiffs MICHAEL SCOTT TAYLOR and LORI  
27 MELVILLE (collectively referred to herein as “Plaintiffs”) and Defendants BRIAN DAVID  
28 LOPEZ and RHONDA LEE LOPEZ (collectively referred to herein as “Lopez Defendants”),  
through their respective counsel:

County, Plaintiffs and the Lopez Defendants, collectively referred to herein as the  
“Parties,” hereby stipulate and consent to the Court entering a Protective Order to protect  
confidential, private and privileged personal information which is maintained in the medical  
records of Plaintiff MICHAEL SCOTT TAYLOR. Plaintiff TAYLOR contends that Defendant  
COUNTY OF CALAVERAS’ request for production of documents seeks disclosure of

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1 confidential, private and privileged personal information contained in his medical records to  
2 which TAYLOR contends that he has a right of privacy pursuant to his federal and California  
3 constitutional rights to privacy. Plaintiff contends the information sought by Defendant  
4 COUNTY OF CALAVERAS would create a substantial risk of harm to significant privacy  
5 interests if disclosure were made. More specifically, the records sought will disclose  
6 confidential, private and privileged personal medical information. Plaintiff TAYLOR is  
7 concerned because of a belief that Defendants are antagonistic toward TAYLOR and may seek  
8 retribution for the prosecution of his Complaint against them. Disclosure could present a risk of  
9 harm to TAYLOR if personal matters are disclosed.

10 Plaintiff TAYLOR has been asked to produce his medical records. Without a protective  
11 order in place, production of such information will run afoul of TAYLOR'S privacy rights  
12 guaranteed under the United States Constitution and the California Constitution.

13 Subject to and without waiving any statutory or constitutional privileges or objections to  
14 the admissibility or discoverability of any information or documents produced, the Parties  
15 stipulate that access to and use of such information or evidence shall be governed by the  
16 provisions of this Stipulated Protective Order and that the terms set forth herein may be entered  
17 by the Court. This Stipulated Protective Order shall apply to all copies of designated matters.

18 **I. DESIGNATION OF CONFIDENTIAL MATERIALS**

19 A. "Confidential" materials shall be any and all contents of TAYLOR'S medical  
20 records;

21 B. TAYLOR will redact confidential personal information regarding his social  
22 security number.

23 C. The Parties agree to make a good faith effort to immediately retrieve any  
24 information disclosed to persons not authorized by this Protective Order to review such  
25 information, and obtain an agreement from the persons to whom the disclosure was made to be  
26 bound by this Protective Order.

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1 **II. RESTRICTION REGARDING CONFIDENTIAL MATTERS**

2 A. No Confidential materials produced by County shall be used for any purpose  
3 other than the litigation, preparation for, and trial of this case.

4 B. There shall be no disclosure of documents designated as “Confidential” to anyone  
5 other than the following:

6 1. Plaintiffs, Plaintiffs’ counsel and Plaintiffs’ counsel’s staff and agents, including,  
7 but not limited to, outside copy service personnel;

8 2. COUNTY Defendants’ counsel, counsel’s staff and agents, including, but not  
9 limited to, outside copy service personnel;

10 3. Lopez Defendants’ counsel, counsel’s staff and agents, including, but not limited  
11 to, outside copy service personnel;

12 4. Experts and consultants retained by Plaintiff’s counsel and counsel for County  
13 and Lopez Defendants in the preparation or presentation of the case;

14 5. The finder of fact at the time of trial, subject to the Court’s rulings on pre-trial  
15 motions and objections of counsel; and

16 6. Court personnel, including stenographic reporters or videographers engaged in  
17 proceedings as are necessarily incidental to the preparation for trial.

18 C. Confidential materials may be shown to the persons listed in paragraphs B(3) and  
19 B(5) only after such persons have been shown a copy of this Order and advised of its terms. Any  
20 person receiving Confidential materials shall not reveal the information therein to, or discuss the  
21 contents of the materials with, any person who is not entitled to receive such information as set  
22 forth herein.

23 D. Confidential materials disclosed at a deposition shall be designated as  
24 “Confidential” by so indicating on the record at the deposition. Copies of Confidential materials  
25 attached to deposition exhibits shall maintain their confidential status as set forth in this  
26 Protective Order and be sealed. If any document or information designated as “Confidential”  
27 pursuant to this Protective Order is used or disclosed during the course of a deposition, that  
28 portion of the deposition record reflecting such material shall be stamped with the appropriate

1 designation. The court reporter for the deposition shall mark the deposition transcript cover page  
2 and all appropriate pages or exhibits and each copy thereof, in accordance with this Protective  
3 Order. Only individuals who are authorized by this Protective Order to see or receive such  
4 material may be present during the discussion or disclosure of such material.

5 E. If filed with the Court, such materials shall be labeled as "Confidential Subject to  
6 Court Order" and filed under seal. In the event that any entity seeks to have any document  
7 unsealed, TAYLOR shall first have an opportunity to seek the Court's finding that: (1) there  
8 exists an overriding interest that overcomes the right of public access to the materials; (2) the  
9 overriding interests support sealing the records; (3) a substantial probability exists that the  
10 overriding interest will be prejudiced if the record is not sealed; (4) the proposed sealing is  
11 narrowly tailored; and (5) no less restrictive means exist to achieve the overriding interest.

12 F. If COUNTY or LOPEZ Defendants wish to disclose "Confidential" materials to  
13 any person not identified in paragraphs B(1)-B(5) above, they must proceed in the following  
14 manner: the names of the persons to whom "Confidential" material is to be disclosed shall be  
15 provided in writing to counsel for County, along with the bases for the need to disclose the  
16 information and/or materials and a description with reasonable specificity of the "Confidential"  
17 materials to be disclosed. Counsel for TAYLOR shall have seven days to object to such  
18 disclosure in writing. If no objection is made in that time, the request is deemed granted. If an  
19 objection to the disclosure is asserted by counsel for Plaintiffs, Defendants must apply for relief  
20 from the Court. Such materials shall not be disclosed pending a decision by the Court on such  
21 motion.

### 22 **III. GENERAL**

23 A. The terms of this Stipulated Protective Order shall be binding on Plaintiffs,  
24 County and Lopez Defendants from the time that counsel sign the Stipulation, even if the Court  
25 has not signed the Order.

26 B. This Stipulated Protective Order may be modified or terminated by this Court for  
27 good cause shown or by signed stipulation of counsel for the Parties.

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1 C. Counsel may apply to the Court to challenge a designation made by Plaintiffs  
2 after an attempt has been made to meet and confer over the issue. Upon such a request to the  
3 Court to challenge the designation made, the Court shall review the materials in an in-camera  
4 hearing and determine whether the designation is appropriate. Plaintiff and Defendants shall  
5 comply with the Stipulated Protective Order unless the Court orders otherwise.

6 **IV. TERMINATION OF THE LITIGATION**

7 A. Within sixty (60) days after a final judgment or settlement, all original  
8 "Confidential" materials and copies or portions thereof containing or reflecting information of  
9 "Confidential" materials shall be destroyed or returned to counsel for Plaintiffs. Counsel for  
10 COUNTY and LOPEZ defendants shall file declarations under penalty of perjury that they have  
11 complied with this provision.

12 B. This Stipulated Protective Order shall survive and remain in full force and effect  
13 after the termination of this case and may be enforced as a contract between the Parties, or by  
14 application to the Court for a finding of contempt.

15 This Joint Stipulation may be executed in counterparts. When County, Lopez Defendants  
16 and Plaintiffs have signed and delivered at least one such counterpart, each counterpart shall be  
17 deemed an original, and each counterpart taken together shall constitute one and the same Joint  
18 Stipulation.

19 **IT IS SO STIPULATED.**

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21 Dated: October 24, 2019

LAW OFFICES OF PANOS LAGOS

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24 /s/Panos Lagos  
25 Panos Lagos, Esq.  
26 Attorneys for Plaintiffs,  
27 MICHAEL SCOTT TAYLOR,  
28 LORI MELVILLE

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1 Dated: October 22, 2019

McCORMICK, BARSTOW, SHEPPARD, WAYTE  
& CARRUTH LLP

2  
3  
4 /s/Mart B. Oller

Mart B. Oller IV  
Laura A. Wolfe  
Attorneys for Defendants,  
COUNTY OF CALAVERAS,  
CALAVERAS COUNTY SHERIFF RICK DIBASILIO,  
DEPUTY GEOFFREY RAMOS,  
DEPUTY TALYA-ANN MATTOS,  
DEPUTY KEVIN STEVENS

5  
6  
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9 Dated: November 21, 2019

DONAHUE DAVIES LLP

10  
11  
12 /s/ Stephen J. Mackey

James R. Donahue  
Stephen J. Mackey  
Attorneys for Defendants,  
BRIAN DAVID LOPEZ,  
RHONDA LEE LOPEZ

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17 **ORDER**

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19 The Court adopts the stipulated protective order submitted by the parties. The parties are  
20 advised that pursuant to the Local Rules of the United States District Court, Eastern District of  
21 California, any documents subject to this protective order to be filed under seal must be  
22 accompanied by a written request which complies with Local Rule 141 prior to sealing. The  
23 party making a request to file documents under seal shall be required to show good cause for  
24 documents attached to a non-dispositive motion or compelling reasons for documents attached to  
25 a dispositive motion. *Pintos v. Pacific Creditors Ass'n*, 605 F.3d 665, 677-78 (9th Cir. 2009).  
26 Within five (5) days of any approved document filed under seal, the party shall file a redacted  
27 copy of the sealed document. The redactions shall be narrowly tailored to protect only the  
28 information that is confidential or was deemed confidential. Also, the parties shall consider

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1 resolving any dispute arising under this protective order according to the Court's informal  
2 discovery dispute procedures.

3  
4 IT IS SO ORDERED.

5 Dated: November 27, 2019

6 /s/ Barbara A. McAuliffe  
7 UNITED STATES MAGISTRATE JUDGE