1 2 3 4 5 6 7	WILKE, FLEURY, HOFFELT, GOULD & I THOMAS G. REDMON (SBN 047090) DANIEL L. BAXTER (SBN 203862) 400 Capitol Mall, Twenty-Second Floor Sacramento, CA 95814 Telephone: (916) 441-2430 Facsimile: (916) 442-6664 Attorneys for Plaintiff/Cross-Defendant BRIAN DAWE	BIRNEY, LLP	
8	UNITED STAT	ES DISTRICT COURT	
9 10	FOR THE EASTERN DISTRICT OF CALIFORNIA		
11			
11	BRIAN DAWE; FLAT IRON MOUNTAIN ASSOCIATES, LLC,	Case No. 2:07-CV-01790 LKK EFB	
12	formerly known as Flat Iron Mountain Associates, a Partnership,	[Consolidated Master Case Number]	
13	Plaintiffs,	STIPULATION AND <del>[PROPOSED]</del> ORDER RE IMAGING OF GARY HARKINS' LAPTOP COMPUTER	
15	v.	HARMING LAI IOI COMI UTER	
16	CORRECTIONS USA, a California		
17	Corporation; CALIFORNIA CORRECTIONAL PEACE OFFICERS		
18 19	ASSOCIATION, a California Corporation; JAMES BAIARDI, an individual; DONALD JOSEPH BAUMANN, an individual,		
20	Defendants.		
20	Detendants.		
21	AND RELATED COUNTERCLAIMS		
22			
24	Pursuant to p. 11 of this Court's October 1, 2009 Order ("Order"—Document No. 228), the parties hereto, by and through their attorneys of record, and the forensic computer expert ("the		
25			
25 26	Expert") retained in this matter by Defendants/Cross-Complainants, HEREBY STIPULATE		
20	AND AGREE AS FOLLOWS:		
28	1. Pursuant to the Court's Order, the laptop computer that was the subject of		
WILKE, FLEURY, HOFFELT, GOULD &	- 1 -		
BIRNEY, LLP Attorneys At Law Sacramento	STIPULATION AND ORDER RE IMAGING OF LAPTOP COMPUTER (CASE NO. 07-01790 LKK-EFB)		

1 Defendants' recent motion to compel ("the Computer") shall be made available for imaging by 2 the Expert. Following said imaging, the Expert shall search the Computer database using the 3 search terms set forth in Phillip R.A. Mastagni's October 2, 2009 letter, a true and correct copy of 4 which is attached hereto as Exhibit 1. Should Defendants wish to utilize any additional search 5 terms, they must notify and secure the agreement of counsel for Mr. Harkins before doing so. In 6 the event the parties are unable to agree as to the propriety of a particular search term, the parties 7 shall be permitted to appear ex parte (upon one day's notice) before the Court in order to obtain a 8 judicial determination may seek a judicial determination as to the propriety of that term in 9 accordance with the Eastern District of California Local Rules.

10 2. During and following the imaging and search described in the preceding 11 paragraph, the Expert shall maintain and safeguard all data, documentation, and information 12 collected as a result of said imaging and search ("the Information"). The Information shall be 13 designated as "confidential" under the protective order previously entered in this case, and the 14 Expert shall not turn over any Information, or disclose the contents of any Information, to anyone 15 other than counsel for Gary Harkins. Following such turnover/disclosure to counsel for Mr. 16 Harkins, disclosure of Information to Defendants shall proceed in conformity with the Court's 17 indications on p. 11 of the Order.

IT IS SO STIPULATED.

DATED: October 14, 2009

WILKE, FLEURY, HOFFELT, GOULD & BIRNEY, LLP

By: /s/ Daniel L. Baxter DANIEL L. BAXTER Attorneys for Plaintiffs/Cross-Defendants

WILKE, FLEURY, HOFFELT, GOULD & BIRNEY, LLP Attorneys At Law Sacramento

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STIPULATION AND ORDER RE IMAGING OF LAPTOP COMPUTER (CASE NO. 07-01790 LKK-EFB)

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2	DATED: October 14, 2009	MASTAGNI, HOLSTEDT, AMICK, MILLER, JOHNSEN & UHRHAMMER
3		
4		By: /s/ Phillip R.A. Mastagni PHILLIP R.A. MASTAGNI
5		PHILLIP R.A. MASTAGNI Attorneys for Defendants/Cross-Complainants
6		
7	DATED: October, 2009	CALIFORENSICS ("the Expert")
8		
9		By: <u>Signature on original</u> DONALD VILFER
10		Authorized Representative
11		
12		
13		
14	IT IS SO ORDERED.	Alm ATP.
15	DATED: October <u>20</u> , 2009	Johnun F. Biernen
16		EDMUND F. BRENNAN UNITED STATES MAGISTRATE JUDGE
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28 Wilke, Fleury,		- 3 -
HOFFELT, GOULD & BIRNEY, LLP Attorneys At Law Sacramento	STIPULATION AND ORDER RE IMA	AGING OF LAPTOP COMPUTER (CASE NO. 07-01790 LKK-EFB)