EDMUND G. BROWN JR., State Bar No. 37100
Attorney General of California
STEVEN M. GEVERCER, State Bar No. 112790
Supervising Deputy Attorney General
KEVIN W. REAGER, State Bar No. 178478
Deputy Attorney General
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 324-5331
Fax: (916) 322-8288
E-mail: Kevin.Reager@doj.ca.gov
Attorneys for Defendants MacDowell, Brandon and Davenport

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

LEO BERGER, Plaintiff, **v.** **J.T. BRANDON, et al.,** Defendants.	2:08-CV-01688-GEB-EFB **STIPULATION AND ORDER ON MOTION TO COMPEL AND PROTECTIVE ORDER**

Plaintiff's motion to compel production of documents from the California Highway Patrol came on regularly for hearing on September 2, 2009. The parties appeared through their respective counsels of record. After considering the pleadings and arguments of counsel, IT IS HEREBY ORDERED that:

1. The California Highway Patrol's objection to the subpoena on Eleventh Amendment grounds is overruled;

2. The California Highway Patrol will produce the employment records described in request numbers 1 through 3 (history of prior complaints) to Plaintiff's counsel. The documents may be redacted to prevent disclosure of private information relating to third parties;

3. Counsel for Plaintiff will maintain the documents in confidence and understands that they are intended for the attorney's eyes only. Counsel agrees to either return or destroy the documents at the conclusion of this litigation;

4. By ordering production of the documents for purposes of discovery, the Court is not expressing any opinion on the relevancy or admissability of the evidence at trial and neither party has waived any objection to the potential use of the evidence at trial;

5. The remainder of the motion is denied as moot.

IT IS SO STIPULATED.

Dated: September 4, 2009

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of California
STEVEN M. GEVERCER
Supervising Deputy Attorney General

/s/ Kevin W. Reager
KEVIN W. REAGER
Deputy Attorney General
Attorneys for Defendants

Dated: September 4, 2009

Respectfully submitted,

The Law Firm of Kallis & Associates

/s/ M. Jeffery Kallis
M. JEFFERY KALLIS
Attorneys for Plaintiff

IT IS SO ORDERED.

Dated: September 14, 2009

EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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