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**P O R T E R | S C O T T**

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Attorneys for Defendants

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

DAVID FONTANA and LISA FONTANA,

Case No.: 2:10-cv-00710-JAM-AC

Plaintiffs,

vs.

**STIPULATION AND JOINT REQUEST  
FOR RETURN OF CONFIDENTIAL  
DOCUMENTS FILED UNDER SEAL;  
ORDER GRANTING JOINT REQUEST  
FOR RETURN OF CONFIDENTIAL  
DOCUMENTS FILED UNDER SEAL**

ALPINE COUNTY; ALPINE COUNTY BOARD OF SUPERVISORS; ALPINE COUNTY SHERIFF'S OFFICE; ALPINE COUNTY DISTRICT ATTORNEY'S OFFICE; SHERIFF JOHN CRAWFORD; UNDER SHERIFF ROB LEVY; SERGEANT RON MICHITARIAN; OFFICER ED BRAZ; OFFICER SPENCER CASE; DISTRICT ATTORNEY WILL RICHMOND; and Does 1-100,

Defendants.

Plaintiffs DAVID FONTANA and LISA FONTANA and Defendants COUNTY OF ALPINE, SHERIFF JOHN CRAWFORD, UNDERSHERIFF ROB LEVY, SERGEANT RON MICHITARIAN, OFFICER EDWARD BRAZ, and OFFICER SPENCER CASE (collectively referred to as the "Parties"), by and through their counsel of record, hereby request the Court return

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**STIPULATION AND JOINT REQUEST FOR RETURN OF CONFIDENTIAL DOCUMENTS FILED UNDER SEAL; [PROPOSED] ORDER**

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1 the unredacted chamber’s copies submitted directly to the Court by Defendants to be filed under  
2 seal in support of Defendants’ Motion for Summary Judgment, or Summary Adjudication.

3 **I.**

4 **PROCEDURAL BACKGROUND**

5 This action arises out of Alpine County Superior Court Case No. A08033. The case file was  
6 sealed at the request of Alpine County District Attorney Will Richmond in 2008. A true and correct  
7 copy of the Order granting the request to seal the file for Case No. A08033 is attached hereto as  
8 Exhibit 1.

9 In 2010, Defendant County of Alpine moved the Alpine County Superior Court for the  
10 release of file materials in Case No. A08033. The request was conditionally granted on several  
11 grounds, namely: (1) that the records would remain confidential, (2) that if the records were to be  
12 used in conjunction with the civil case filed in the Eastern District, the documents would be filed  
13 under seal, and (3) upon final resolution of the civil case, the documents would be gathered by  
14 counsel for the County of Alpine and returned to the Clerk of the Court of the Superior Court of  
15 California for destruction. Those conditions were memorialized in an Order, a true and correct  
16 copy of which is attached hereto as Exhibit 2.

17 In conjunction with filing its Motion for Summary Judgment, Defendants requested several  
18 documents be filed under seal, including: (1) the Declaration of Edward Braz and Exhibits A, B and  
19 C thereto; (2) the Memorandum of Points and Authorities, and (3) the Separate Statement of  
20 Undisputed Material Facts. The Court granted Defendants’ request to seal on March 6, 2014.  
21 Complete unredacted copies of the Memorandum of Points and Authorities, Separate Statement of  
22 Undisputed Materials Facts and Declaration of Edward Braz and Exhibits thereto were hand-  
23 delivered directly to the Court and were served directly on Plaintiff. Counsel for Plaintiff, Stephen  
24 A. Mason, Esq., has since returned those documents to Counsel for Defendants. The Parties now  
25 seek the return of the unredacted documents previously hand-delivered to the Court.

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II.

**STIPULATION AND JOINT REQUEST FOR RETURN OF DOCUMENTS**

The Parties have achieved a final, global resolution, and now jointly request the Court return documents directly submitted to the Court, specifically: (1) the Declaration of Edward Braz and Exhibits A, B and C thereto; (2) the Memorandum of Points and Authorities and (3) Separate Statement of Undisputed Material Facts. The Order issued by Alpine County Superior Court directed Defendants to maintain the confidentiality of these documents. Pursuant to that Order (Exhibit 1), as this case has achieved a final resolution, the Parties submit those documents should be returned to Defendants to allow Defendants to send them to the Alpine County Superior Court for destruction.

In the alternative, in the event the Court refuses to return the unredacted versions of these documents, the Parties request that the redacted and/or sealed versions of the Declaration of Edward Braz and Exhibits A, B and C thereto, the Memorandum of Points and Authorities, and the Separate Statement of Undisputed Material Facts remain sealed from the public domain on the electronic filing system and the unredacted versions will not be available to the public without thirty (30) days prior notice to the Parties and pursuant to an order by this Court.

Based upon the foregoing, the Parties jointly request those documents be returned to counsel for Defendant County of Alpine.

Respectfully submitted,

Dated: April 23, 2014

PORTER SCOTT  
A PROFESSIONAL CORPORATION

By       /s/ Terence J. Cassidy  
Terence J. Cassidy  
Kristina M. Hall  
Lauren E. Calnero  
Attorneys for Defendants

Dated: April 22, 2014

By/s/ Stephen A. Mason as authorized 4/22/2014  
Attorney for Plaintiffs  
DAVID FONTANA and LISA FONTANA

**ORDER**

GOOD CAUSE HAVING BEEN SHOWN, the Court hereby grants the Stipulation and Joint Request for the Return of Confidential Documents Filed Under Seal and agrees to return the following unredacted versions of the following documents that were submitted directly to chambers:

1. The Declaration of Edward Braz and Exhibits A, B and C thereto;
2. The Memorandum of Points and Authorities submitted in support Motion for Summary Judgment, or Summary Adjudication;
3. The Separate Statement of Undisputed Material Facts in support of the Motion for Summary Judgment, or Summary Adjudication.

IT IS FURTHER ORDERED THAT counsel for Defendants must contact the Court no later than seven (7) days from the date of execution of this Order to arrange for the return of the , and the Declaration of Edward Braz and Exhibits A, B and C thereto, Memorandum of Points and Authorities in Support of the Motion for Summary Judgment, or in the Alternative, Summary Adjudication, and the Separate Statement of Undisputed Material Facts. Defendants must return these items to the Clerk of the Alpine County Superior Court in accordance with the terms set forth in the Order of the Alpine County Superior Court, attached hereto as Exhibit 2.

IN THE ALTERNATIVE, in the event the Court refuses to return the unredacted versions of these documents, the Court agrees the redacted and/or sealed versions of the Declaration of Edward Braz and Exhibits A, B and C thereto, the Memorandum of Points and Authorities, and the Separate Statement of Undisputed Material Facts will remain redacted and sealed from the public domain on the electronic filing system and the unredacted versions will not be available to the public without thirty (30) days prior notice to the Parties and pursuant to an order by this Court.

**IT IS SO ORDERED.**

DATED: April 23, 2014

/s/ John A. Mendez

HONORABLE JUDGE JOHN A. MENDEZ  
UNITED STATES DISTRICT COURT JUDGE