

1 **GARY BRICKWOOD, State Bar No. 94892**

BRICKWOOD LAW OFFICE
 2 1135 Pine Street, Suite 210
 Redding, CA 96001
 3 (530) 245-1877
 (530) 245-1879 (fax)

4 Attorney for Defendants COUNTY OF SHASTA,
 5 erroneously named SHASTA COUNTY SHERIFF DEPARTMENT,
 TOM BOSENKO, PHILLIP PADILLA, DAVE KENT

6
 7
 8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 GARY DAVID BALDWIN,

Case No. 2:10-CV-0743 FCD CMK

11 Plaintiff,

**STIPULATION AND ORDER TO OPEN
 ARREST RECORDS FOR POTENTIAL
 CONFIDENTIAL INSPECTION AND AS
 POTENTIAL EVIDENCE AT TRIAL**

12 vs.

13 COUNTY OF SHASTA, SHASTA COUNTY
 SHERIFF DEPARTMENT, TOM BOSENKO,
 14 PHILLIP PADILLA, KENT, DOES 1-
 50,

15 Defendants.
 16 _____/

17 The parties to this litigation, by and through their attorneys
 18 of record, stipulate to the following in support of a request for an
 19 Order opening the sealed arrest records:

20 1. On or about September 11, 2009, Honorable Molly Bigelow of
 21 the Shasta County Superior Court ordered pursuant to California Penal
 22 Code Sections 851.8(b) and 851(c) that the Shasta County Sheriff, the
 23 California Department of Justice, and the Shasta County District
 24 Attorney must seal their records of the arrest of plaintiff, GARY
 25 DAVID BALDWIN on April 18, 2009, that is now the subject of this civil
 26 action against peace officers and law enforcement in Shasta County.

27 2. California Penal Code sections 851.8(k) provides that any
 28 records sealed pursuant to Government Code Section 851.8 may be opened

**STIPULATION AND ORDER TO OPEN ARREST RECORDS FOR POTENTIAL
 CONFIDENTIAL INSPECTION AND AS POTENTIAL EVIDENCE AT TRIAL**

1 and submitted into evidence upon a showing of good cause in a civil
2 action against peace officers and law enforcement, with the records
3 also available for confidential inspection only by the Court, jury,
4 parties, and any other person authorized by the Court.

5 3. Good cause exists for the arrest records to be opened, made
6 available for confidential inspection by the Court, the attorneys in
7 this matter, and the parties to this matter, and made available to be
8 submitted into evidence at the trial of this civil matter if offered
9 and otherwise deemed admissible. The good cause arises because the
10 arrest records will likely provide evidence of the conduct of the
11 defendants, the plaintiff, and other persons in connection with the
12 plaintiff's arrest. Also, the sealed arrest records might provide
13 grounds to impeach inconsistent testimony of the defendants, the
14 plaintiff, and other witnesses at trial.

15 DATED: December 16, 2010.

HASSAN LAW FIRM

16
17 /s/ REY HASSAN
REY HASSAN
Attorney for Plaintiff

18 DATED: December 21, 2010.

BRICKWOOD LAW OFFICE

19
20 /s/ GARY BRICKWOOD
GARY BRICKWOOD
Attorney for Defendants

21
22
23 **ORDER**

24 Good cause appearing from this Stipulation,
25 IT IS HEREBY ORDERED pursuant to California Penal Code Sections
26 851.8(k) that,

27 The records of the arrest of plaintiff, GARY DAVID BALDWIN, on
28 or about April 18, 2009, that is now the subject of this civil action,

1 which were sealed by order of Shasta County Superior Court pursuant
2 to California Penal Code Sections 851.8 shall be (1) opened and
3 unsealed, (2) made available for inspection by the Court, and
4 inspection and copying by the attorneys and parties to this matter,
5 and (3) made available to be submitted into evidence at the trial of
6 this matter if offered and otherwise deemed admissible.

7
8 DATED: January 5, 2011

9
10 
11 FRANK C. DAMRELL, JR.
12 UNITED STATES DISTRICT JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28