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17 UNITED STATES DISTRICT COURT
 18 EASTERN DISTRICT OF CALIFORNIA

19 JERRY LUM, etc., et al.,
 20 Plaintiffs,
 21 v.
 22 COUNTY OF SAN JOAQUIN, et al.,
 23 Defendants.

24 **NO. 2:10-CV-01807-LKK-DAD**
 25 **STIPULATION AND**
 26 **PROTECTIVE ORDER**

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1 This stipulated protective order is entered into between Plaintiffs Jerry
2 Lum and Dorothea Timmons, on the one hand, and Defendant County of San Joaquin
3 (the "County"), on the other hand.

4 RECITALS

5 A. Plaintiffs have requested the County to produce the County
6 Sheriff's Department training records (the "Training Records") of Defendants Deputy
7 Robert Davis, Sergeant Ray Walters, Sergeant Steven Pease, and Correctional Officer
8 Felipe Mendoza, and Mark Hughes (the "Individuals").

9 B. The County has objected to the production of the Training Records
10 based on the Individuals' rights to privacy as employees, including without limitation
11 their peace officer rights pursuant to *Pitchess v. Superior Court*, 11 Cal.3d 531 (1974)
12 and California Evidence Code Sections 1043, 1045, and 1046.

13 C. Plaintiffs assert that the Training Records are relevant and
14 discoverable, and, as a compromise, are willing to enter into a protective order to limit
15 the use and dissemination of the Training Records.

16 STIPULATION

17 IT IS STIPULATED AND AGREED, by Plaintiffs and the County, through
18 their undersigned counsel of record:

19 1. While reserving all objections, the County shall produce the
20 Training Records to Plaintiffs' counsel. Nothing contained in this stipulated protective
21 order shall constitute a waiver of any objections Defendants may assert in response to
22 Plaintiffs' request for Defendants to produce any other documents.

23 2. Plaintiffs and their counsel shall use the Training Records only for
24 purposes of this lawsuit and any appeals.

25 3. Plaintiffs and their counsel shall maintain the confidentiality of the
26 Training Records. Neither Plaintiffs nor their counsel shall provide a copy of the
27 Training Records or any portion of them (whether in paper or electronic form) to anyone
28 or disclose the contents of them to anyone.

1 4. Notwithstanding paragraph 3, above, Plaintiffs and their counsel
2 may provide a copy of the Training Records to any expert witness they retain for
3 purposes of testifying in this case or for purposes of providing expert consultation or
4 advice to Plaintiffs or their counsel (collectively, "Expert Witness"). If Plaintiffs or their
5 counsel provide a copy of the Training Records (or any portion of them) to an Expert
6 Witness, they shall, at the same time, provide the Expert Witness with a copy of this
7 stipulated protective order and advise the Expert Witness of the contents of it. Plaintiffs'
8 counsel shall maintain, through the final conclusion of this lawsuit and any appeals, a
9 written record of the date on which each Expert Witness was provided with a copy of
10 this stipulated protective order.

11 5. Plaintiffs and their counsel shall maintain the Training Records in a
12 folder or other container in a manner designed to preserve the confidential nature of
13 the Training Records. The outside of such folder or container shall be conspicuously
14 marked "CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER" and shall have a
15 copy of this stipulated protective order affixed to the outside of it in a manner designed
16 to provide reasonable notice that the folder or container contains confidential records.

17 6. If any of the Training Records are marked as an exhibit in a
18 deposition in this case, counsel shall direct the court reporter to place the Training
19 Records under seal. In addition, Plaintiffs' counsel shall provide a copy of this
20 stipulated protective order to the court reporter.

21 7. If Plaintiffs wish to file any of the Training Records with the Court
22 (e.g., as an exhibit to a motion), they shall do so only after filing a proper motion with
23 the Court seeking permission to file the document under seal in compliance with Local
24 Rule 141.

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8. At the conclusion of this lawsuit and any appeals, Plaintiffs and their counsel shall return to Defendants' counsel the Training Records and all copies (electronic or paper) of them.

Dated: November 15, 2011

THE SUNTAG LAW FIRM
A Professional Corporation

By: /s/ Dana A. Suntag
DANA A. SUNTAG
Attorneys for All Defendants

Dated: November 15, 2011

WALKER, HAMILTON & KOENIG LLP

By: /s/ Rana Ansari-Jaberi
RANA ANSARI-JABERI
Attorneys for All Plaintiffs

ORDER

It is so ordered.
DATED: November 18, 2011

Dale A. Drozd
DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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