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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BRYAN DENMAN

Plaintiff,

v.

CITY OF TRACY, JANET THIESSEN, and
DOES 1 to 20, inclusive,

Defendants.

Case No. 11-CV-00310 GEB JFM

STIPULATION AND PROTECTIVE ORDER

1. The parties to the above-entitled action, by and through their counsel of record, hereby stipulate to entry of the attached protective order as to materials to be produced in discovery herein by defendant CITY OF TRACY and/or any of its police officers.

The materials included in the above-mentioned protective order are as follows:

- a. Any document which comprises an officer’s personnel file and which is produced in discovery in the within matter from police personnel files maintained by the defendant CITY OF TRACY, including any Internal Affairs investigations and all other matters in an officer’s personnel file;
- b. The names, addresses and telephone numbers of any civilian witnesses disclosed by defendants in discovery;

1 c. Any and all police reports and other investigative materials disclosed by
2 defendants in discovery; and

3 d. Other materials that the parties agree in writing are to be covered by this Order.

4 All "confidential material" shall be designated by stamping or otherwise marking each such
5 document as follows: "CONFIDENTIAL".

6 2. Confidential material shall be used solely in connection with the preparation and litigation
7 of the case in the within action (Case No. 11-CV-00310 GEB JFM) or in any related appellate
8 proceeding, and not for any other purpose, including any other litigation, without the express approval of
9 this court.

10 3. Confidential material may not be disclosed, except as is provided in paragraph 4, below.

11 4. Confidential material may be disclosed only to the following persons: (a) parties and
12 counsel for any party to this litigation; (b) paralegal, stenographic, clerical, and secretarial personnel
13 regularly employed by counsel for the parties in this litigation; (c) court personnel, including
14 stenographic reporters engaged in such proceedings as are necessarily incidental to preparation for trial in
15 this action; (d) any outside expert or consultant retained by any party to the action in connection with the
16 action, and not otherwise employed by either party; and, (e) any "in-house" expert designated by any
17 party to testify at trial in this matter.

18 Nothing in this paragraph (4) is intended to prevent officials or employees of the CITY OF
19 TRACY, or other authorized government officials, from having access to the documents so designated if
20 they would have such access in the normal course of their job duties. Furthermore, nothing herein
21 prevents any witness from disclosing events or activities personal to him or her, that is, a witness may
22 disclose to others, without restriction under this order, information previously given to the CITY OF
23 TRACY with respect to what he or she saw, heard, or otherwise sensed.

24 5. Each person to whom disclosure is made, with the exception of counsel, who are
25 presumed to know the contents of this protective order, shall be provided by the person furnishing him or
26 her "confidential material," as designated hereunder, with a copy of this order, and shall agree on the
27 record, in writing, that he or she has read this protective order and consents to be subject to the
28 jurisdiction of this court with respect to the enforcement of this order, including without limitation, any

1 proceeding for contempt. Unless such agreement is made on the record in this litigation, counsel making
2 the disclosure to any person described above shall retain the original executed copy of said written
3 agreement until final termination of this litigation.

4 6. At the conclusion of the trial in this matter, and of any appeal, or upon the termination of
5 this action by any other means, all confidential material received under the provisions of this order,
6 including any copies made thereof, shall be tendered back to the appropriate parties or their attorneys.
7 Provisions of this order, insofar as they restrict the disclosure and use of the material, shall remain in full
8 force and effect until further order of this court.

9 7. The foregoing is without prejudice to the right of any party to this action: (a) to apply to
10 the court for a further protective order relating to any confidential material or relating to discovery in this
11 litigation; (b) to apply to the court for an order removing the confidential material designation from any
12 document; and, (c) to apply to the court for an order compelling production of documents or for
13 modification of this order or for any order permitting disclosure of confidential material beyond the terms
14 of this order.

15 8. Any document filed with the court that reveals Confidential Material shall be filed under
16 seal, labeled with a cover sheet as follows: "*Denman v. City of Tracy, et al.* United State District Court,
17 Eastern District of California Case No. 11-CV-00310 GEB JFM. This document is subject to a protective
18 order issued by the court and may not be copied or examined except in compliance with that order."
19 Documents so labeled shall be kept by the Clerk under seal and shall be made available only to the court
20 or counsel. Upon failure of the filing party to so file a document under seal, the producing party may
21 request that the court place the filing under seal.

22 Counsel for the parties to this action hereby declare that they have read the foregoing, that they
23 approve thereof as to form and content, and that, on behalf of their clients in this action, they stipulate
24 thereto.

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1 **SO STIPULATED.**

2 Dated: October 12, 2011

BRACAMONTES & VLASAK, P.C.

3
4 By: /s/ Michael Robert Bracamontes
Michael Robert Bracamontes
Attorneys for Plaintiff
5 BRYAN DENMAN
6

7 Dated: October 12, 2011

BERTRAND, FOX & ELLIOT

8
9 By: /s/ Richard W. Osman
Richard W. Osman
Attorneys for Defendant
10 CITY OF TRACY
11

12 **ORDER**

13 WHEREFORE, pursuant to stipulation of the parties, it is hereby ordered that the Stipulated
14 Protective Order governing the protection of confidential material set forth above becomes the Order of
15 this Court and shall be imposed in this Action.

16 IT IS SO ORDERED.

17 DATED: November 7, 2011,

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19 UNITED STATES MAGISTRATE JUDGE

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