

1 Leonard C. Herr, # 081896  
 2 Ron Statler, #234177  
 3 DOOLEY, HERR, PELTZER & RICHARDSON  
 4 Attorneys at Law, LLP  
 5 100 Willow Plaza, Suite 300  
 6 Visalia, California 93291  
 7 Telephone: (559) 636-0200

8 Attorneys for Defendants, EASTERN SIERRA UNIFIED SCHOOL DISTRICT,  
 9 JASON REED, and DON CLARK

10  
 11 **UNITED STATES DISTRICT COURT**  
 12 **EASTERN DISTRICT OF CALIFORNIA**

13 H.W., minor, by and through Guardian  
 14 ad Litem HEIDI NELSON; and M.K.,  
 15 minor, by and through Guardian ad  
 16 Litem ROBERT KOELLING,

Case No.: 2:11-cv-00531-GEB-GGH

**STIPULATION AND ORDER  
 MODIFYING MAGISTRATE JUDGE'S  
 ORDER, FINDINGS AND  
 RECOMMENDATIONS**

17 Plaintiff,

18 v.

19 EASTERN SIERRA UNIFIED SCHOOL  
 20 DISTRICT; COLEVILLE HIGH SCHOOL  
 21 PRINCIPAL JASON REED (individually  
 22 and in his official capacity); ASSISTANT  
 23 FOOTBALL COACH CODY CARLISLE  
 24 (individually and in his official capacity);  
 25 SUPERINTENDENT DON CLARK  
 26 (individually and in his official capacity);  
 27 AND DOES 1-50,

28 Defendants.

29 Plaintiffs' legal counsel and counsel for former Defendants EASTERN  
 30 SIERRA UNIFIED SCHOOL DISTRICT, JASON REED and DON CLARK, hereby  
 31 stipulate and jointly request that the Court Modify its "Order and Findings and  
 32 Recommendations," filed under seal on February 15, 2012.

33 ///

34 ///

35 ///

LAW OFFICES  
 DOOLEY HERR  
 PELTZER &  
 RICHARDSON  
 Attorneys at Law, LLP  
 100 Willow Plaza  
 Suite 300  
 Visalia, CA 93291

1 **RECITALS**

2 WHEREAS, pursuant to the request of Plaintiffs’ legal counsel, the court has  
3 sealed certain documents and proceedings from the public;

4 WHEREAS, Plaintiffs’ legal counsel has commenced civil litigation against  
5 former Defendants EASTERN SIERRA UNIFIED SCHOOL DISTRICT, JASON REED  
6 and DON CLARK;

7 WHEREAS, the court’s order filed on February 15, 2012 prohibits attorney  
8 Leonard Herr from disseminating this court’s “Order/Findings and  
9 Recommendations and Judgment themselves;”

10 WHEREAS, Defendants’ defense and indemnity with regard to the claims  
11 being asserted by Plaintiffs against EASTERN SIERRA UNIFIED SCHOOL  
12 DISTRICT, JASON REED and DON CLARK is being provided by a public entity  
13 known as Self-Insured Schools of California II (SISC II); and

14 WHEREAS, legal counsel for Plaintiffs’ and Defendants EASTERN SIERRA  
15 UNIFIED SCHOOL DISTRICT, JASON REED and DON CLARK believe it is in the  
16 best interest of these parties in attempting to resolve this dispute to provide this  
17 court’s order to Defendants EASTERN SIERRA UNIFIED SCHOOL DISTRICT,  
18 JASON REED and DON CLARK and their insurer SISC II.

19 **STIPULATION**

20 IT IS HEREBY STIPULATED to by and between the parties to this  
21 agreement through their respective attorneys of record that attorney Leonard Herr  
22 shall be permitted to provide a copy of the Order and Findings and  
23 Recommendations to his clients EASTERN SIERRA UNIFIED SCHOOL DISTRICT,  
24 JASON REED and DON CLARK, along with SISC II for purposes of assessing the  
25 “value of the case” and participation in settlement negotiations.

26 IT IS FURTHER STIPULATED that Defendants shall not share the  
27 Findings, Recommendations, and Order, or any information contained therein,  
28 with any individual or entity other than their attorneys and/or their insurers.

1 This stipulation does not affect EASTERN SIERRA UNIFIED SCHOOL DISTRICT,  
2 JASON REED and DON CLARK's pending motion, scheduled to be heard on April  
3 12, 2012.

4 DATED: March 16, 2012 DOOLEY, HERR, PELTZER & RICHARDSON, LLP

5

6

By: /s/ Leonard C. Herr  
LEONARD C. HERR  
Attorneys for Defendants, EASTERN  
SIERRA UNIFIED SCHOOL DISTRICT,  
JASON REED, DON CLARK

7

8

9 DATED: March 16, 2012 LAW OFFICES OF GERALD SINGLETON, APC

10

11

By: /s/ Gerald Singleton  
GERALD SINGLETON  
Attorneys for Plaintiffs H. W., minor, by  
and through Guardian ad Litem HEIDI  
NELSON; and M.K., minor, by and through  
Guardian ad Litem ROBERT KOELLING

12

13

14

15

**ORDER**

16

17

18

19

20

21

22

23

24

25

UPON GOOD CAUSE being shown as set forth in the stipulation of legal  
counsel, this court's "Order and Findings and Recommendations," filed under  
seal on February 15, 2012, is hereby modified to permit attorney Leonard Herr to  
provide a copy of this court's order to EASTERN SIERRA UNIFIED SCHOOL  
DISTRICT, JASON REED and DON CLARK along with SISC II. Further,  
Defendants shall not share the Findings, Recommendations, and Order, or any  
information contained therein, with any individual or entity other than their  
attorneys and/or their insurers. This order will not affect EASTERN SIERRA  
UNIFIED SCHOOL DISTRICT, JASON REED and DON CLARK's pending motion,  
scheduled to be heard on April 12, 2012.

26

IT IS SO ORDERED.

27

DATED: March 20, 2012 /s/ Gregory G. Hollows \_\_\_\_\_

28

UNITED STATES MAGISTRATE JUDGE