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*Attorneys for Defendants California Highway Patrol Officer Andrew Murrill and California  
13 Highway Patrol Officer J. Sherman California Highway Patrol Sergeant Kevin Pierce;  
California Highway Patrol Lieutenant John Arrabit; California Patrol Assistant Chief  
14 Kenneth Hill; and California Highway Patrol Commander Chief Stephen Lerwill*

15 IN THE UNITED STATES DISTRICT COURT

16 FOR THE EASTERN DISTRICT OF CALIFORNIA

17  
18 **OLEGS KOZACENKO,**

19 Plaintiff,

20 v.

21 **California Highway Patrol Officer**  
22 **ANDREW P. MURRILL (Badge #19671);**  
23 **California Highway Patrol Officer J.**  
24 **SHERMAN (Badge #11614); California**  
25 **Highway Patrol Sergeant KEVIN PIERCE;**  
26 **California Highway Patrol Lieutenant**  
**JOHN ARRABIT; California Patrol**  
**Assistant Chief KENNETH HILL; and**  
**California Highway Patrol Commander**  
**Chief STEPHEN LERWILL,,**

27 Defendants.  
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No. 2:12-cv-2196 MCE DAD

**STIPULATION AND PROTECTIVE  
ORDER**

1           Upon joint motion of the parties, this Court, having been duly advised, hereby ORDERS  
2 that:

3           1. In accordance with the terms of this Order pursuant to 5 U.S.C. § 552a (b)(11), the  
4 Federal Bureau of Investigation (FBI), in response to a subpoena duly issued pursuant to a the  
5 provisions of Rule 45 of the Federal Rules of Civil Procedure and to the regulations set forth at 28  
6 C.F.R. § 16.21, et seq., may disclose to the parties records which, in whole or in part, are  
7 otherwise subject to the Privacy Act of 1974, 5 U.S.C. § 552a, and which contain information  
8 within the proper scope of discovery under Fed. R. Civ. P. 26.

9           2. The FBI shall have the right to designate as subject to this Protective Order any  
10 document or other item responsive to the subpoena and which is a record subject to the Privacy  
11 Act or which contains or refers or relates to records which are subject to the Privacy Act.

12           3. Such documents or other tangible items must be designated as subject to this  
13 Protective Order by conspicuously stamping the phrase "SUBJECT TO A PROTECTIVE  
14 ORDER" on each page or, in the case of other tangible items, by notifying the Plaintiff in writing.

15           4. Information designated as SUBJECT TO A PROTECTIVE ORDER shall not be  
16 disclosed or disseminated to anyone, except:

17           (a) A party, counsel for any party and the employees of such counsel to whom it is  
18 necessary that the information be disclosed for purposes of preparation for and  
litigation of this action;

19           (b) Any expert engaged by a party for the purpose of assisting in the preparation of  
20 this litigation;

21           (c) Any person who was involved in the preparation of the document or information;

22           (d) The Court, the jury and court personnel, court reporters and persons engaged to  
23 make copies, provided that all SUBJECT TO A PROTECTIVE ORDER information  
24 filed with the Clerk of Court shall be filed under seal and shall be released only upon  
agreement among all parties, or pursuant to the terms of this Order, or by order of the  
Court;

25           (e) Any other person, entity, or firm with the prior written consent of the parties.

26           5. Each person to whom SUBJECT TO A PROTECTIVE ORDER information will be  
27 disseminated (other than the parties, attorneys for the parties, and the attorneys' employees, the  
28 Court, the jury, court personnel, and court reporters) will be required, prior to any such

1 dissemination, to receive and read a copy of this PROTECTIVE ORDER and to agree, in writing,  
2 to be bound by the terms of this Order and personally subject to the jurisdiction of this Court for  
3 the purposes of enforcement hereof in the form attached hereto as Exhibit A. Counsel for any  
4 party receiving SUBJECT TO A PROTECTIVE ORDER information and disseminating same  
5 shall maintain a list of all such persons along with the written agreement of each person, and shall  
6 provide copies of such written agreements upon request to other parties at any time.

7         6. When any SUBJECT TO A PROTECTIVE ORDER information, documents, discovery  
8 responses, portions of transcripts or any other pleadings or papers disclosing or referring to such  
9 SUBJECT TO A PROTECTIVE ORDER information are used in connection with any motion or  
10 pretrial hearing, or are otherwise submitted to the Court, they shall be filed under seal and marked  
11 as follows:

12             CONFIDENTIAL/SUBJECT TO A PROTECTIVE ORDER: This envelope contains  
13 documents that are subject to a protective order of this Court. The contents are not to  
14 be revealed to anyone except the Court, or with the prior written consent of the parties  
15 herein, or pursuant to any order of this Court. If the contents are thus revealed, they  
16 shall thereafter be resealed.

17         7. Within thirty (30) days of the close of this litigation for any reason, each party shall  
18 retrieve all copies of materials marked SUBJECT TO A PROTECTIVE ORDER from his or its  
19 own files, and from experts or other persons to whom he or it has provided such materials  
20 consistent with this Order, and shall do one of the following: (1) return to the FBI all such  
21 materials, including all copies thereof, or (2) certify in writing to the FBI that all such materials  
22 produced by such other party during this action have been destroyed. All information protected  
23 by this Order which has been placed in any electronic data bank shall be completely erased, and  
24 any documents listing or summarizing information protected by this Order shall be destroyed  
25 within the same period.

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1           8. Entry of this Order shall not, in and of itself, prejudice any contention of any party upon  
2 any motion, nor shall this Order and any consent hereto constitute a waiver of any right to seek  
3 relief from the Court from any and all of the provisions hereof or other modifications of the terms  
4 hereof. This Order shall not limit any party's right to seek judicial review or to seek further and  
5 additional protection against or limitation upon production or dissemination of information and  
6 documents or their contents.

7           9. Nothing herein shall be construed to preclude or limit the presence of any individual at  
8 any hearing in or the trial or this action.

9           10. This order constitutes a limited authorization to the FBI and its agents and employees  
10 to disclose Privacy Act protected records pursuant to 5 U.S.C. § 552a (b)(11). In making the  
11 limited disclosure set forth herein, the FBI and its agents and employees are hereby relieved of  
12 any penalties to which they may otherwise be subjected pursuant to 5 U.S.C. § 552a (g).

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**EXHIBIT A TO PROTECTIVE ORDER**

I hereby certify that I have read the PROTECTIVE ORDER entered in the above captioned litigation. I hereby agree to be bound by the terms of the PROTECTIVE ORDER and to submit personally to the jurisdiction of the United States District Court for the District of Columbia for purposes of enforcing my agreement to be bound by the terms of the PROTECTIVE ORDER.

Dated: 6/13/2014

THE LAW OFFICES OF STEWART KATZ

*/s/ Stewart Katz*

STEWART KATZ  
*Attorneys for Plaintiff Olegs Kozacenko*

Dated: 6/24/2014

KAMALA D. HARRIS  
Attorney General of California  
PETER A. MESHOT  
Supervising Deputy Attorney General

*/s/ Alberto L. González*

ALBERTO L. GONZÁLEZ  
*Attorneys for Defendants California Highway Patrol Officer Andrew Murrill and California Highway Patrol Officer J. Sherman California Highway Patrol Sergeant Kevin Pierce; California Highway Patrol Lieutenant John Arrabit; California Patrol Assistant Chief Kenneth Hill; and California Highway Patrol Commander Chief Stephen Lerwill*

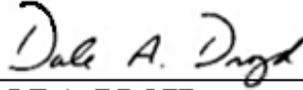
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**ORDER**

Pursuant to the parties' stipulation, IT IS SO ORDERED.<sup>1</sup>

Dated: June 26, 2014



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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> Normally the undersigned would not authorize the entering of a stipulated protective order that granted blanket authority for the sealing of any documents. Here, however, because the discovery at issue is finite and the terms of the protective order were provided to the parties by the FBI, so that the FBI may release to the parties documents otherwise protected by the Privacy Act of 1974, 5 U.S.C. § 552a, the undersigned will allow such an order in this instance. See generally Laxalt v. McClatchy, 809 F.2d 885, 889, 258(C.A. D.C. 1987) (“Where the records sought are subject to the Privacy Act, the District Court’s supervisory responsibilities may in many cases be weightier than in the usual discovery context.”).