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17 Attorneys for Defendants CITY OF VALLEJO, a municipal corporation; SEAN KENNEY;  
18 WAYLON BOYCE, MARK THOMPSON individually and in their official capacities as Police  
Officers for the CITY OF VALLEJO

19 UNITED STATES DISTRICT COURT

20 EASTERN DISTRICT

21 THE ESTATE OF ANTON BARRETT, by  
and through its representatives ANTON  
22 FRANK BARRETT, PASHANEY  
BARRETT AND A.P.B., a minor, by and  
23 through his guardian ad litem TASHA  
PERRY; ANTON FRANK BARRETT,  
24 individually, PASHANEY BARRETT,  
individually and A.P.B., a minor, by and  
25 through his guardian ad litem, TASHA  
PERRY,

26 Plaintiffs,

27 vs.

28 CITY OF VALLEJO, a municipal

Case No.: 2:13-CV-00846-JAM-CKD

**STIPULATION AND PROTECTIVE  
ORDER**

corporation; SEAN KENNEY; WAYLON  
BOYCE, MARK THOMPSON; AND  
DOES 1-50, inclusive; individually and in  
their official capacities as Police Officers  
for the CITY OF VALLEJO,

Defendants.

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IT IS HEREBY STIPULATED BY ALL PARTIES to this action by and through their  
attorneys of record, that in order to protect the confidentiality of the records described below, any of  
said records disclosed are subject to a protective order (and designated as “Confidential Material”) as  
follows:

1. The documents identified in “Defendants” Initial Disclosure Statement (FRCP §26(a)), in  
paragraph B thereof, including the following:
  - a. Crime Report 1206648 and all supplements and related documents
  - b. Crime Scene Log
  - c. VPD Dispatch Transcript and recording
  - d. Recorded interviews including transcripts and audio recordings
  - e. Anton Barrett and Anton Frank Barrett Criminal History Reports
  - f. All City of Vallejo Department’s policy and procedure manuals, training manuals,  
training and procedure memorandum and bulletins, and all other documents which  
set forth Department operational, training and tactical policy and procedure,  
including but not limited to, to, those documents.
  - g. Recordings of all communications between any officers involved in the incident or  
the investigation of the incident with dispatch or each other.
  - h. CAD report
  - i. Any and all law enforcement personnel records
2. Confidential material may not be disclosed except as set forth in paragraphs 3- 5.
3. Confidential Material may be disclosed only to the following persons:
  - a. Counsel for any party to this action.

- b. Paralegal, stenographic, clerical and secretarial personnel regularly employed by counsel referred to in 4(a);
- c. Court personnel including stenographic reporters engaged in such proceedings as are necessarily incidental to preparation for the trial of this action;
- d. Any outside expert or consultant retained in connection with this action, and not otherwise employed by either party;
- e. Any “in house” expert designated by defendant to testify at trial in this matter;
- f. Witnesses, other than the plaintiff herein, who may have the documents disclosed to them during deposition proceedings; the witnesses may not leave the depositions with copies of the documents, and shall be bound by the provisions of paragraph 5;
- g. Any Neutral Evaluator or other designated ADR provider; and
- h. Parties to this action.
- i. The parties agree that at the time of trial they may seek orders from the Court to prevent confidential material disclosed during discovery from being made public during a jury trial.

4. Each person to whom disclosure is made, with the exception of counsel who are presumed to know of the contents of this protective order and court personnel, shall, prior to disclosure: (1) be provided with a copy of this order by the person furnishing him/her such material, and (2) agree on the record or in writing that he/she has read the protective order and that he/she understand the provisions of the protective order. Such person must also consent to be subject to the jurisdiction of the United States District Court, Eastern District, with respect to any proceeding relating to the enforcement of this order. Defendants City of Vallejo, W. Boyce, S. Kenney and M. Thompson shall be entitled to retain possession of the original writings described above. Nothing in this paragraph 4 is intended to prevent officials or employees of the City of Vallejo or other authorized government officials or any other persons from having access to the documents if they would have had

1 access in the normal course of their job duties or rights as a citizen. Further, nothing in this order  
2 prevents a witness from disclosing event or activities personal to them, i.e., a witness can disclose to  
3 others previous information given to the City of Vallejo with respect to what he/she saw, heard, or  
4 otherwise sensed.

5 5. At the conclusion of the trial and of any appeal or upon other termination of this  
6 litigation, all Confidential Material received under the provision of this order (including any copies  
7 made) shall be delivered back to the City of Vallejo. Provisions of this order insofar as they restrict  
8 disclosure and use of the material shall be in effect until all Confidential Material (including all copies  
9 thereof) are returned to defendants.

10 6. Any document filed with the Court that reveals Confidential Material shall be filed  
11 under seal, labeled with a cover sheet as follows: "*Barrett v. City of Vallejo, et al.*, United States  
12 District Court, Eastern District, Case No.: 2:13-CV-00846-JAM-CKD. This document is subject to a  
13 protective order issued by the Court and may not be copied or examined except in compliance with  
14 that order." Documents so labeled shall be kept by the Clerk under seal and shall be made available  
15 only to the Court or counsel. Upon failure of the party to so file a document under seal, the producing  
16 party may request that the Court place the filing under seal.

17 7. Nothing in this order shall preclude a party from showing or disclosing any documents,  
18 e.g., deposition transcript, pleading or brief, which otherwise contain Confidential Material as defined  
19 in paragraph 1, as long as such document has been redacted so as to prevent disclosure of such  
20 Confidential Material.

21 8. The foregoing is without prejudice to the right of any party (a) to apply to the Court for  
22 a further protective order relating to any Confidential Material or relating to discovery in this litigation;  
23 (b) to apply to the Court for an order removing the Confidential Material designation from any  
24 document; and (c) to apply to the Court for an order compelling production of documents or  
25 modification of this order or for any order permitting disclosure of Confidential Materials beyond the  
26 terms of this order.

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1 Dated: December 17, 2013

LAW OFFICE OF JOHN L. BURRIS

2  
3 By: /s/ Adante D. Pointer  
4 ADANTE D. POINTER  
Attorneys for Plaintiffs

5  
6 Dated: December 17, 2013

JONES & DYER

7  
8 By: /s/ Mark A. Jones  
9 MARK A. JONES  
KRISTEN K. PRESTON  
10 Attorneys for Defendants City of Vallejo,  
11 D. Joseph, S. Kenney and M. Thompson  
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PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

/s/ John A Mendez  
Hon. John A. Mendez

UNITED STATES DISTRICT COURT JUDGE