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 11 Attorneys for Defendants City of Vallejo, Officer Dustin B. Joseph,
 Officer Sean G. Kenney and Vallejo Chief of Police Joseph M. Kreins

12 IN THE UNITED STATES DISTRICT COURT
 13 EASTERN DISTRICT OF CALIFORNIA

14 JOSEPH L. JOHNSON, an individual,
 15 CYNTHIA A. MITCHELL, an individual,
 and as successor-in-interest and personal
 16 representative of decedent MARIO D.S.M.
 ROMERO,

Case No.: 2:13-CV-01072-JAM-KJN

**STIPULATION FOR PROTECTIVE
 ORDER AND ORDER**

17 Plaintiffs,

18 vs.

19 THE CITY OF VALLEJO, a municipality
 20 and charter city, POLICE OFFICER
 DUSTIN B. JOSEPH, an individual,
 21 POLICE OFFICER SEAN G. KENNEY,
 an individual, VALLEJO CHIEF OF
 22 POLICE JOSEPH M. KREINS, an
 individual and DOES 1-5, inclusive,

23 Defendants.

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 27 IT IS HEREBY STIPULATED BY ALL PARTIES to this action by and through their attorneys
 28 of record, that in order to protect the confidentiality of the records described below, any of said records

1 disclosed are subject to a protective order (and designated as “Confidential Material”) as follows:

- 2 1. The documents identified in Defendants’ Initial Disclosure Statement (FRCP §26(a)), in
3 paragraph B thereof, including the following:
- 4 a. Crime Report 1211085 and all supplements
 - 5 b. Crime Scene Log
 - 6 c. VPD Dispatch Transcript
 - 7 d. Recorded interviews including transcripts and audio recordings
 - 8 e. Johnson and Romero Criminal History Reports
 - 9 f. All City of Vallejo Department’s policy and procedure manuals, training manuals,
10 training and procedure memorandum and bulletins, and all other documents which set
11 forth Department operational, training and tactical policy and procedure, including
12 but not limited to, to, those documents.
 - 13 g. Recordings of all communications between any officers involved in the incident or
14 the investigation of the incident with dispatch or each other.
 - 15 h. CAD report
- 16 2. Confidential material may not be disclosed except as set forth in paragraphs 3- 5.
- 17 3. Confidential Material may be disclosed only to the following persons:
- 18 a. Counsel for any party to this action.
 - 19 b. Paralegal, stenographic, clerical and secretarial personnel regularly
20 employed by counsel referred to in 4(a);
 - 21 c. Court personnel including stenographic reporters engaged in such
22 proceedings as are necessarily incidental to preparation for the trial of this
23 action;
 - 24 d. Any outside expert or consultant retained in connection with this action,
25 and not otherwise employed by either party;
 - 26 e. Any “in house” expert designated by defendant to testify at trial in this
27 matter;

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- 1 f. Witnesses, other than the plaintiff herein, who may have the documents
- 2 disclosed to them during deposition proceedings; the witnesses may not
- 3 leave the depositions with copies of the documents, and shall be bound by
- 4 the provisions of paragraph 5;
- 5 g. Any Neutral Evaluator or other designated ADR provider; and
- 6 h. Parties to this action.
- 7 i. The parties agree that at the time of trial Defendants may seek orders from
- 8 the Court to prevent confidential materials disclosed during
- 9 discovery from being made public during a jury trial.

10 4. Each person to whom disclosure is made, with the exception of counsel who are
11 presumed to know of the contents of this protective order, shall, prior to disclosure: (1) be provided with
12 a copy of this order by the person furnishing him/her such material, and (2) agree on the record or in
13 writing that she/he has read the protective order and that she/he understand the provisions of the
14 protective order. Such person must also consent to be subject to the jurisdiction of the United States
15 District Court, Eastern District, with respect to any proceeding relating to the enforcement of this order.
16 Defendants City of Vallejo, D. Joseph, S. Kenney and J. Kreins shall be entitled to retain possession of
17 the original writings described above. Nothing in this paragraph 4 is intended to prevent officials or
18 employees of the City of Vallejo or other authorized government officials or any other persons from
19 having access to the documents if they would have had access in the normal course of their job duties or
20 rights as a citizen. Further, nothing in this order prevents a witness from disclosing event or activities
21 personal to them, i.e., a witness can disclose to others previous information given to the City of Vallejo
22 with respect to what she/he saw, heard, or otherwise sensed.

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

1 6. Any document filed with the Court that reveals Confidential Material shall be filed under
2 seal, labeled with a cover sheet as follows: “*Johnson v. City of Vallejo, et al.*, United States District
3 Court, Eastern District, Case No.: 2:13-CV-01072-JAM-KJN. This document is subject to a protective
4 order issued by the Court and may not be copied or examined except in compliance with that order.”
5 Documents so labeled shall be kept by the Clerk under seal and shall be made available only to the
6 Court or counsel. Upon failure of the party to so file a document under seal, the producing party may
7 request that the Court place the filing under seal.

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

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

18 9. Documents produced subject to this Protective Order shall be unredacted copies with the
19 exception of personal address, telephone number, social security number or any other personal
20 identifying information, other than names, of any Defendant or other City of Vallejo employee.

21 Dated: November 22, 2013 CITY ATTORNEY

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23 By: /s/ Kelly J. Trujillo
24 CLAUDIA QUINTANA
25 KELLY TRUJILLO
26 Attorneys for Defendants City of Vallejo,
27 D. Joseph, S. Kenney and J. Kreins

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Dated: November 22, 2013

JONES & DYER

By: /s/ Mark. A. Jones.

MARK A. JONES

KRISTEN K. PRESTON

Attorneys for Defendants City of Vallejo,

D. Joseph, S. Kenney and J. Kreins

Dated: November 22, 2013

BOWLES & VERNA LLP

By: /s/ Lawrence D. Goldberg.

MICHAEL P. VERNA

LAWRENCE D. GOLDBERG

Attorney for Plaintiffs Joseph L. Johnson, an individual,

Cynthia A. Mitchell, an individual, and as successor-in-

interest and personal representative of decedent Mario

D.S.M. Romero

1 **ORDER**

2 The Court having considered the foregoing stipulation of the parties, and good cause appearing,
3 the Court hereby orders that the above-described records relating to this matter, as more specifically
4 described in Paragraph 1 of the Stipulation, be subject to a protective order fully incorporating the
5 provisions set forth above.
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7 PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

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9 Dated: November 22, 2013

/s/ John A. Mendez _____
John A. Mendez
UNITED STATES DISTRICT COURT JUDGE