

PLACER COUNTY COUNSEL'S OFFICE

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Attorneys for Plaintiff

KARIN BJORK

UNITED STATES OF DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

KARIN BJORK,

Plaintiff,

vs.

**COUNTY OF PLACER THE DISTRICT
ATTORNEY'S OFFICE, and DOES 1
through 10, inclusive,**

Defendant.

Lead Case No. 2:14-cv-01983-MCE-EFB
Case No. 2:13-cv-01616-MCE-EFB

**AMENDED STIPULATED
SUPPLEMENTAL PROTECTIVE
COURT ORDER REGARDING
PRIVATE AND CONFIDENTIAL
DOCUMENTS FOR THIRD-PARTY
WITNESS**

KARIN BJORK,

Plaintiff,

vs.

**COUNTY OF PLACER THE DISTRICT
ATTORNEY'S OFFICE, and DOES 1
through 10, inclusive,**

Defendant.

1 The parties, Plaintiff, KARIN BJORK (“Plaintiff”) and Defendant, COUNTY OF PLACER
2 THE DISTRICT ATTORNEY’S OFFICE (“Defendant”), by and through their respective counsel,
3 hereby stipulate to entry of this Stipulated Supplemental Protective Order (“Supplemental
4 Protective Order”) with third party witness Suzanne Gazzaniga (“Third-Party”) regarding personnel
5 records and other confidential information of Plaintiff, Defendant, Third-Party, and other third
6 parties, as set forth below (“PROTECTED INFORMATION”). This Supplemental Protective Order
7 supplements, as to Suzanne Gazzaniga only, the Stipulation and Protective Court Order Regarding
8 Private and Confidential Documents, Docket Entry No. 11 in this action (“Original Protective
9 Order”, a copy of which is attached hereto as Exhibit “1”), which Plaintiff and Defendant
10 acknowledge shall also apply to Third-Party. This stipulation is as follows:

11 1. The following is added to the end of Section 1 of the Original Protective
12 Order:

13 PROTECTED INFORMATION includes information related to employment files, including
14 but not limited to: (1) performance evaluations, letters of commendation or recommendation; (2)
15 information generated in the course of employment in a classified or confidential position to which
16 the information is confidential as it relates to other employees; (3) confidentiality agreements; and
17 (4) confidential information deemed confidential under other laws of the State of California. The
18 purpose of this agreement is to ensure that any information that falls within the category of
19 PROTECTED INFORMATION shall be used only for purposes of the litigation and shall not be
20 disclosed other than as expressly permitted.

21 2. Section 2 of the Original Protective Order is amended as follows:

22 a. Subsection (a) is amended as follows: “Attorneys representing Plaintiff,
23 Defendant, and their employees;”

24 b. Subsection (c) is amended as follows: “Any person from whom testimony is
25 taken in this action, during the taking of that testimony, provided the person is not permitted to
26 retain copies of the PROTECTED INFORMATION;”

27 c. Subsection (d) is amended as follows: “The Court, subject to the procedures
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1 set forth in paragraph 5 below;”

2 d. Subsection (e) is stricken.

3 e. A new subsection (e) is inserted as follows: “Any other persons as expressly
4 permitted, in writing, by the party or Third-Party that designated the material as PROTECTED
5 INFORMATION; and”

6 f. A new subsection (f) is inserted as follows: “All persons in subsections (b),
7 (c) and (e) above shall sign Exhibit A hereto before any PROTECTED INFORMATION is
8 disclosed to them, and the party obtaining the signature must maintain the executed Exhibit A.”

9 3. The first sentence of Section 3 of the Original Protective Order is amended as
10 follows: “A party may apply to the Court for a ruling that the PROTECTED INFORMATION is not
11 entitled to such status and protection upon providing reasonable notice and opportunity to respond
12 to the (i) opposing party, and (ii) Third-Party that designated the PROTECTED INFORMATION.”

13 4. Section 4 of the Original Protective Order is amended to add the following:

14 (b) Third-Party or its counsel may also designate deposition transcripts, or portions thereof,
15 as PROTECTED INFORMATION by notifying counsel for the parties of such designation within
16 thirty (30) days of receipt of the deposition transcript (“the Review Period”). The entire transcript
17 shall be treated as PROTECTED INFORMATION until the Review Period is complete.

18 5. The first sentence of Section 5 of the Original Protective Order is amended as
19 follows: “The PROTECTED INFORMATION and information contained therein may be offered
20 into evidence at trial or in any hearing on this matter provided that the party who offers it into
21 evidence provides reasonable notice and an opportunity to respond to the (i) opposing party, (ii)
22 Third-Party that designated the PROTECTED INFORMATION, and (iii) person whose privacy
23 right or confidentiality interest is affected, any of whom may thereupon request an order that the
24 evidence be received in camera or under such other conditions to prevent unnecessary disclosure.”

25 6. Section 7 of the Original Protective Order is amended to add the following:

26 (c) All documents and transcripts designated as PROTECTED INFORMATION by Third-
27 Party or her counsel shall be returned to Third-Party or her counsel within sixty (60) days of the
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1 conclusion of this action; provided, however, that counsel for the parties may each retain one (1)
2 copy of all documents and transcripts designated as PROTECTED INFORMATION for archival
3 purposes only, to be maintained in a matter so as to retain their confidentiality.

4 7. The following Section 9 is added to the Original Protective Order:

5 Transcripts containing PROTECTED INFORMATION, shall include a list of all pages
6 (including line numbers as appropriate) that have been designated PROTECTED INFORMATION.
7 The parties shall inform the court reporter of these requirements. The entire transcript shall be
8 treated as PROTECTED INFORMATION until the Review Period is complete.

9 8. The following Section 10 is added to the Original Protective Order:

10 An inadvertent failure to designate does not waive protection under this Order. Upon a
11 timely assertion or correction of a designation, all recipients must make reasonable efforts to ensure
12 that the material is treated according to this Order.

13 9. The following Section 11 is added to the Original Protective Order:

14 If a receiving party learns that, by inadvertence or otherwise, it has disclosed the
15 PROTECTED INFORMATION to any person or in any circumstance not authorized under this
16 Order, it must immediately (a) notify in writing, the person who designated the information or
17 document of the unauthorized disclosure; (b) use its best effort to retrieve all unauthorized copies of
18 the designated material; (c) inform the person to whom unauthorized disclosure was made of all the
19 terms of this Order; and (d) use reasonable efforts to have such person execute Exhibit A hereto.

20 10. This Supplemental Protective Order shall continue in effect after the conclusion of
21 this action.

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1 **IT IS SO STIPULATED.**

2 Dated: May 27, 2016

LAW OFFICES OF JILL P. TELFER
A Professional Corporation

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/s/ Jill P. Telfer
JILL P. TELFER
Attorneys for Plaintiff

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7 Dated: May 27, 2016

PLACER COUNTY COUNSEL'S OFFICE

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/s/ David K. Huskey
DAVID K. HUSKEY
Attorneys for Defendant County of Placer

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11 **IT IS SO ORDERED.**

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Dated: June
May 2, 2016



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EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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EXHIBIT A:

AGREEMENT TO BE BOUND

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2 I, _____ [print or type full name], of _____ [print or type
3 full address], declare under penalty of perjury that I have read in its entirety and understand the
4 Protective Orders that were issued by the United States District Court for the Eastern District of
5 California on January 8, 2014 (Docket No. 11) and on _____ [date and docket] in
6 this case of *KARIN BJORK, Plaintiff, vs. COUNTY OF PLACER THE DISTRICT ATTORNEY'S*
7 *OFFICE, and DOES 1 through 10, inclusive, case number 2:13-cv-01616-MCE-EFB* (“the
8 Orders”). I agree to comply with the Orders and to be bound by all their terms, and I understand
9 and acknowledge that failure to so comply could expose me to sanctions as a punishment for
10 contempt.

11 I solemnly promise that I will not disclose in any manner any information or items that are
12 subject to the Orders to any person or entity except in strict compliance with the Orders.

13 I further agree to submit to the jurisdiction of the united State District Court for the Eastern
14 District of California for the purpose of enforcing the Orders, even if such enforcement proceedings
15 occur after termination of this action.

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17 Date: _____

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19 City and State where sworn and signed: _____

20 Printed Name: _____

21 Signature: _____

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23 Witness or Notary: _____

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EXHIBIT 1

PLACER COUNTY COUNSEL'S OFFICE

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Attorneys for Plaintiff

KARIN BJORK

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

KARIN BJORK)	Case No. 2:13-cv-01616-MCE-EFB
)	
Plaintiff,)	STIPULATION AND PROTECTIVE
vs.)	COURT ORDER REGARDING
)	PRIVATE AND CONFIDENTIAL
COUNTY OF PLACER THE DISTRICT)	DOCUMENTS
ATTORNEY'S OFFICE, and DOES 1 through)	
10, inclusive,)	
)	
Defendants)	

The parties hereto, being Plaintiff KARIN BJORK and Defendant COUNTY OF PLACER THE DISTRICT ATTORNEY'S OFFICE, by and through their respective counsel, hereby stipulate to entry of a protective order regarding personnel records of Plaintiff and third parties. This stipulation is as follows:

1 1. These documents are protected by the right of privacy. The information to be covered by
2 this Stipulation and Protective Order and shall hereinafter be referred to as the “PROTECTED
3 INFORMATION.”

4 2. Except with the prior written consent of defendants, any of the PROTECTED
5 INFORMATION may not be disclosed to any person with the following exceptions only:

6 (a) Attorneys representing plaintiff and their employees;

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8 (b) Any person not employed by plaintiff who is expressly retained by any attorney
9 described in paragraph 2(a) to assist in trial preparation;

10 (c) Any person of whom testimony is taken or to be taken in this action;

11 (d) The Court, subject to the procedures set forth in paragraph 6 below.

12 (e) A copy of this Stipulation and Protective Order shall be delivered by counsel for
13 plaintiffs to each person, expert, agent, representative or consultant who is permitted by defendants
14 to view, examine, pursue or otherwise inspect the PROTECTED INFORMATION or any part of it,
15 or copies lists or summaries thereof, in connection with this litigation. Such persons shall also
16 execute a document containing a recital signifying his or her understanding of the terms of the
17 Stipulation and Protective Order, that said person agrees to be bound by it and to submit to the
18 jurisdiction of the United States District Court, Eastern District of California, for purposes of
19 enforcement of this Stipulation.
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21 3. A party may apply to the Court for a ruling that the PROTECTED INFORMATION is not
22 entitled to such status and protection upon providing reasonable notice and opportunity to respond
23 to the opposing party. This stipulated protective order does not require the production of
24 information, a party deems especially sensitive or personnel information. This stipulated protective
25 order does not require the production of information that a party deems especially sensitive. If such
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1 a stipulation arises, then either party may seek further orders from the Court as they deem
2 necessary.

3 4. A deponent may, during a deposition, be shown and examined concerning the PROTECTED
4 INFORMATION subject to the following procedures:

5 (a) Within 24 days after receiving a transcript of such deposition, information or
6 documents within the deposition transcript which plaintiff or defendants believe is entitled to
7 protection may mark the pages by writing “confidential” at the top of each page containing
8 confidential information. If this procedure is not followed, then none of the transcript or exhibits
9 thereto shall be treated as confidential or subject to protection pursuant to this order.
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11 5. The PROTECTED INFORMATION and information contained therein may be offered into
12 evidence at trial or in any hearing on this matter provided that the party designated to offer it gives
13 reasonable advanced notice to the other party, who may thereupon request an order that the
14 evidence be received in camera or under such other conditions to prevent unnecessary disclosure.
15 The Court will thereupon determine whether the proper evidence shall continue to be treated as
16 confidential information pursuant to this Order, and, if so, what protection should be afforded such
17 information at trial or the hearing.
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19 6. Persons entitled to access to the PROTECTED INFORMATION and information contained
20 therein pursuant to this Order shall use such document and information only for preparation and
21 trial of this action, including appeals and retrials. It is expressly agreed and understood that nothing
22 in this Order shall be deemed a waiver of either party’s rights to oppose discovery on grounds other
23 than it constitutes, contains or seeks confidential information.
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25 7. At the conclusion of this action, whether by final judgment (after exhaustion of all appeals),
26 settlement or otherwise, the following steps shall be taken:
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1 (a) Within a reasonable time not to exceed ninety (90) days after the conclusion
2 of the action, counsel of record for plaintiff shall collect and return to defendant the PROTECTED
3 INFORMATION, and all copies;

4 (b) Counsel for defendants shall be responsible for collecting such documents
5 from any and all experts, consultants, witnesses, attorneys and employees of defendants, as well as
6 any other persons to whom such documents were provided by defendant or his attorney.

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8 8. This stipulation shall continue in effect after the conclusion of this action.

9 **IT IS SO STIPULATED.**

10 Dated: January 2, 2014

LAW OFFICES OF JILL P. TELFER
A Professional Corporation

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13 /s/ Jill P. Telfer
14 JILL P. TELFER
Attorney for Plaintiff

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17 Dated: January 2, 2014

PLACER COUNTY COUNSEL'S OFFICE

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19 /s/ David K. Huskey
20 DAVID K. HUSKEY
21 Attorney for Defendant County of Placer

22 IT IS SO ORDERED.

23 Dated: January 8, 2014.

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EDMUND F. BRENNAN
25 UNITED STATES MAGISTRATE JUDGE
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