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6 City of Stockton, and  
Stockton Police Officers Jeremy Edens, Gabriel  
7 Guerrero, James Manor, and Irshad Mohammed

8 **UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

10 BREANNA COOKE, individually and as ) Case No. 2:14-CV-00908-KJM-KJN  
Co-Successor-in-Interest for Decedent )  
11 JAMES COOKE; SAYEE MCCARTHY, ) **STIPULATION AND ORDER TO**  
individually and as Co-Successor-in- ) **PROTECT CONFIDENTIAL**  
12 Interest for Decedent JAMES COOKE; ) **INFORMATION**  
LANDIS COOKE, individually and as )  
13 Co-Successor-in-Interest for Decedent )  
JAMES COOKE and AALIYAH )  
14 COOKE, individually and as Co- )  
Successor-in-Interest for Decedent )  
15 JAMES COOKE, )

16 Plaintiffs, )

17 vs. )

18 CITY OF STOCKTON, a municipal )  
corporation; JEREMY EDENS in his )  
19 individual and official capacity as Police )  
Officer for the City of Stockton; )  
20 KEVIN HESS, in his individual and )  
official capacity as Police Officer for the )  
21 City of Stockton; GABRIEL )  
GUERRERO, in his individual and )  
22 official capacity as Police Officer for the )  
City of Stockton; JAMES MANOR, in his )  
23 individual and official capacity as Police )  
Officer for the City of Stockton; and )  
24 IRSHAD MOHAMMED, in his )  
individual and official capacity as Police )  
25 Officer for the City of Stockton and )  
DOES 1-50, inclusive, )

26 Defendants. )  
27 \_\_\_\_\_ )

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1 STIPULATION

2 Plaintiffs BREANNA COOKE, individually and as Co-Successor-in-Interest for  
3 Decedent JAMES COOKE; SAYEE MCCARTHY, individually and as Co-Successor-in-Interest  
4 for Decedent JAMES COOKE; LANDIS COOKE, individually and as Co-Successor-in-Interest  
5 for Decedent JAMES COOKE and AALIYAH COOKE, individually and as Co-Successor-in-  
6 Interest for Decedent JAMES COOKE and Defendants CITY OF STOCKTON and, Stockton  
7 Police Officers JEREMY EDENS, GABRIEL GUERRERO, JAMES MANOR and IRSHAD  
8 MOHAMMED, by and through their undersigned counsel of record, and subject to the approval  
9 of the court, stipulate to the following Protective Order as set forth below:

10 1. In connection with any discovery proceedings in this action, the parties may agree  
11 or the Court may direct that any document, thing, material, testimony or other information  
12 derived therefrom, be designated as “Confidential” under the terms of this Stipulated Protective  
13 Order (“Order”). Confidential information is information which has not been made public and is  
14 privileged and confidential and protected from public disclosure under applicable Federal or  
15 California State laws.

16 2. Confidential documents shall be so designated by stamping copies of the  
17 document produced to a party with the legend “CONFIDENTIAL.” Stamping the legend  
18 “CONFIDENTIAL” on the cover of any multi-page document shall designate all pages of the  
19 document as confidential, unless otherwise indicated by the producing party.

20 3. Material designated as confidential under this Order, the information contained  
21 therein, and any summaries, copies, abstracts, or documents derived in whole or in part from  
22 material designated as confidential (“confidential material”) shall be used only for the purpose of  
23 the prosecution, defense, or settlement of this action (*Breanna Cooke, et al. v. City of Stockton, et*  
24 *al.*, Case Number 2:14-CV-00908-KJM-KJN), and for no other purpose.

25 4. Confidential material produced pursuant to this Order may be disclosed or made  
26 available only to the court, to counsel for a party (including the paralegal, clerical, and secretarial  
27 staff employed by such counsel) and to the “qualified persons” designated below:

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- 1 a. Experts or consultants (together with their clerical staff) retained by such
- 2 counsel to assist in the prosecution, defense or settlement of this action;
- 3 b. Court reporters employed in this action;
- 4 c. A witness at any deposition or proceedings in this action; and
- 5 d. Any other person as to whom the parties in writing agree.

6 Prior to receiving any confidential material, each “qualified person” shall be  
7 provided with a copy of this Order and shall execute a non-disclosure agreement in the form of  
8 Attachment A, a copy of which shall be maintained by the counsel who is providing the  
9 materials.

10 5. The portion of any deposition in which confidential materials are discussed shall  
11 be taken only in the presence of qualified persons, as defined above.

12 6. Nothing herein shall impose any restrictions on the use or disclosure by a party of  
13 material obtained by such party independent of discovery in this action, whether or not such  
14 material is also obtained through discovery in this action, or from disclosing its own confidential  
15 material as it deems appropriate.

16 7. Receipt by any party of any confidential information does not constitute, nor is it  
17 to be construed to be, a waiver of any privilege or evidentiary objection, State or Federal.

18 8. If confidential material, including any portion of a deposition transcript designated  
19 as confidential is included in any papers to be filed in court, such papers shall be labeled  
20 “CONFIDENTIAL-SUBJECT TO COURT ORDER” and filed under seal until further order of  
21 this court. Each envelope containing confidential material shall be endorsed with the title and  
22 case number of this action, and indication of the nature of said sealed envelope, a legend  
23 “CONFIDENTIAL-DESIGNATED BY COUNSEL,” and a statement substantially in the  
24 following form: “This envelope containing documents which are filed in this case is not to be  
25 opened, nor the contents thereof to be displayed or revealed except by order of the court.”  
26 Except, however, that any papers served on counsel for the parties need not include separate  
27 sealed envelopes for confidential materials.

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1           9.       This Order shall be without prejudice to the right of the parties 1) to bring before  
2 the court at any time the question of whether any particular document or information is  
3 confidential or whether its use shall be restricted; or 2) to present a motion to the court under  
4 Federal Rule of Civil Procedure 26(c) for a separate protective order as to any particular  
5 document or information, including restrictions different from those as specified herein. This  
6 Order shall not be deemed to prejudice the parties in any way in any future application for  
7 modification of this Order.

8           10.       Nothing in this Order nor the production of any information or document under  
9 the terms of this Order nor any proceedings pursuant to this Order, shall be deemed to have the  
10 effect of an admission or waiver of objections or privileges by either party or of altering the  
11 confidentiality or non-confidentiality of any such document or information or altering any  
12 existing right or obligation of any party or the absence thereof.

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**IT IS SO ORDERED.**

Dated: August 10, 2015

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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**ATTACHMENT A**

**NON-DISCLOSURE AGREEMENT**

I, \_\_\_\_\_, do solemnly swear that I am fully familiar with the terms of the Stipulated Protective Order entered in *Breanna Cooke, et al. v. City of Stockton, et al.*, United States District Court for the Eastern District of California Case Number 2:14-CV-00908-KJM-KJN, and hereby agree to comply with and be bound by the terms and conditions of said Order, unless and until modified by further Order of this Court. I hereby consent to the jurisdiction of said Court for purposes of enforcing this Order.

Dated: \_\_\_\_\_

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