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Attorneys for All Defendants

6 **UNITED STATES DISTRICT COURT**
 7
 8 **EASTERN DISTRICT OF CALIFORNIA**

9 NATHANIEL SMITH,
 10
 11 Plaintiff,
 12
 13 v.
 14 CITY OF STOCKTON, OFFICER PATRICK
 15 MAYER, OFFICER ROBIN HARRISON,
 16 AND OFFICER MICHAEL PEREZ IN THEIR
 17 INDIVIDUAL CAPACITIES; AND CHIEF OF
 18 POLICE ERIC JONES, IN HIS OFFICIAL
 19 AND INDIVIDUAL CAPACITIES,
 20
 21 Defendants.

Case No.: 2:15-CV-00363-KJM-AC

**STIPULATION TO WITHDRAW
 EXHIBITS FILED IN SUPPORT OF
 DEFENDANTS' MOTIONS FOR
 SUMMARY JUDGMENT, OR IN THE
 ALTERNATIVE, REPLACE WITH
 REDACTED COPIES; ORDER**

[No hearing requested]



1 Plaintiff NATHANIEL SMITH and Defendants CITY OF STOCKTON, OFFICERS
2 ROBIN HARRISON, PATRICK MAYER, and MICHAEL PEREZ, and CHIEF OF
3 POLICE ERIC JONES (collectively referred to as "Defendants"), by and through their
4 counsel of record, and subject to the approval of the Court, hereby stipulate as follows:

5 On June 16, 2017, Defendants initially filed their motion for summary judgment.
6 Defendants' motion for summary judgment was withdrawn, and re-filed July 21, 2017
7 (collectively, "Defendants' Motions") with substantially the same exhibits. Defendants'
8 motion for summary judgment is set for hearing on August 25, 2017.

9 In later reviewing the documents e-filed in support of Defendants' Motions,
10 Defendants' counsel learned that certain exhibits were inadvertently filed containing
11 Plaintiff's unredacted date(s) of birth and/or noting several potential social security
12 numbers. (See Doc. No. 69-3 and Doc. No. 79.)

13 The parties have since met and conferred and have agreed upon the following:

14 On July 26, 2017, Defendants' counsel re-filed the exhibits in support of
15 Defendants' motion for summary judgment with the exhibit pages appropriately
16 redacted. (See Doc. No. 80.) While Local Rule 140 requires that social security
17 numbers be redacted such that only the last four digits are visible, the Plaintiff's social
18 security number has nothing to do with the instant case or Defendants' motion for
19 summary judgment, and thus the parties request that the redaction of Plaintiff's entire
20 social security number, as contained in Defendants' re-filed exhibits (Doc. No. 80), be
21 permitted and approved by this Court.

22 As for the previously filed exhibits in support of Defendants' Motions, the parties
23 request that the Court order either of the following remedies, consistent with whichever
24 approach would be most convenient and/or desirable for the Court:

25 1) Either completely withdraw the exhibits previously filed as document numbers
26 69-3 and 79, and remove them from the Court's file in their entirety. Document 80 will
27 supersede document numbers 69-3 and 79 in support of Defendants' motion for
28 summary judgment.

1 2) In the alternative, the appropriately redacted pages are attached hereto as
2 Exhibits A, B, and C, and should be inserted as replacements to the unredacted exhibits
3 contained in document numbers 69-3 and 79, as follows:

4 **(i) Document Number 69-3:**

- 5 • Exhibit A shall replace Exhibit 1, p. 4 of 257.
- 6 • Exhibit B shall replace Exhibit 3, p. 46 of 257.
- 7 • Exhibit C shall replace Exhibit 14, pp. 178-182 of 257.

8 **(ii) Document Number 79:**

- 9 • Exhibit A shall replace Exhibit 1, p. 5 of 255.
- 10 • Exhibit B shall replace Exhibit 3, p. 47 of 255.
- 11 • Exhibit C shall replace Exhibit 14, pp. 179-183 of 255.

12 Based on the foregoing, in compliance with Federal Rule of Civil Procedure 5.2
13 and Local Rule 140, the parties respectfully request that the Court take Document
14 Number 80 as the exhibits in support of Defendants' motion for summary judgment,
15 superseding all previous filed exhibits, and permit the full redaction of Plaintiff's entire
16 social security number. In addition, the parties request that the Court either remove
17 document numbers 69-3 and 79 from the record on file, or in the alternative, that the
18 Court insert the attached Exhibits A, B, and C where appropriate into document
19 numbers 69-3 and 79.

20 Respectfully Submitted,

21 Dated: July 26, 2017

HADSELL STORMER & RENICK LLP
By: /s/ - Lori Rifkin
Lori Rifkin

Attorney for Plaintiff

HERUM\CRABTREE\SUNTAG

24 Dated: July 26, 2017

By: /s/ - Joshua J. Stevens
Joshua J. Stevens
Attorney for All Defendants

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ORDER

The Court, having considered the parties' stipulation, and good cause appearing, the Joint Stipulation to Withdraw Exhibits Filed in Support of Defendants' Motion for Summary Judgment and Replace With Redacted Copies, is GRANTED.

Document Number 80 shall supersede Document Numbers 69-3 and 79, previously filed in support of Defendants' motions for summary judgment.

The complete redaction of Plaintiff's entire social security number(s), as contained in Document Number 80, is hereby permitted.

The Court Clerk is hereby directed to seal Document Numbers 69-3 and 79 so they are not available for public view.

All parties shall comply with the provisions of this order.

IT IS SO ORDERED.

DATED: August 15, 2017.


UNITED STATES DISTRICT JUDGE