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8 Attorneys for Plaintiffs

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

11 HUGUNIN, et al.,

12 Plaintiffs,

13 v.

14 ROCKLIN UNIFIED SCHOOL DISTRICT, et  
al.,

15 Defendants.  
16  
17

No. 2:15-cv-00939-MCE-DB

**STIPULATION AND ORDER  
DIRECTING DEFENDANTS TO  
PRODUCE RECORDS OF THE OAH  
TERMINATION PROCEEDING OF  
SHERRY MCDANIEL**

18 IT IS HEREBY STIPULATED by and between the parties hereto that:

19 1. This action arises out of allegations that defendants ROCKLIN UNIFIED SCHOOL  
20 DISTRICT (“RUSD”), et al., are responsible for the matters referred to in Plaintiffs’ complaint,  
21 including allegations that Defendant Sherry McDaniel, while a teacher at RUSD, abused the minor  
22 plaintiffs enrolled as students in Ms. McDaniel’s class. Defendant McDaniel denies all of such  
23 allegations.

24 2. As a result of the allegations of abuse against Defendant McDaniel, Defendant  
25 RUSD instituted a proceeding to terminate her employment with the Office of Administrative  
26 Hearings (“OAH”), case No. 2015020283.

27 3. In connection with the OAH proceeding, certain documents and data were  
28 exchanged between RUSD and Sherry McDaniel under the terms of a protective order, which is

STIPULATION RE: OAH DOCUMENTS; ORDER THEREON

1 attached hereto as Exhibit A. The documents exchanged include: 1) the documents produced in  
2 response to the requests for production in the OAH proceeding; 2) the USB drive produced  
3 pursuant to request No. 21 (attached hereto as Exhibit B); 3) the redacted investigation report  
4 produced to Sherry McDaniel's attorney in the OAH proceeding; 4) the transcripts of interviews  
5 and audios of the interviews obtained during the investigation.

6 4. Plaintiffs contend that the documents and data produced during the OAH  
7 proceeding are highly relevant to the instant action, as both matters arise from the same set of  
8 circumstances. Plaintiffs further contend that the protective order in the OAH action was never  
9 signed by the Administrative Law Judge, and is thus invalid, and would not in any case prevent  
10 disclosure of these documents in this proceeding. Defendants contend that the OAH Order is valid  
11 and binding. (See Exhibit C, correspondence from OAH staff counsel providing that the protective  
12 order attached as Exhibit A is a true and correct copy of the order entered in the OAH proceeding.)  
13 Further, defendant McDaniel contends that the requested documents and data are confidential  
14 personnel records as to which defendant McDaniel has an expectation to and right of privacy under  
15 the U.S and California Constitutions and state law. 5. Notwithstanding the foregoing,  
16 Defendants are willing to produce the OAH documents and data in their possession or control with  
17 the exception of the USB drive described under No. 2 supra, subject to the protective order in place  
18 in this case, see Docket No. 41. Defendants do not agree to the production of the USB drive as  
19 defendants assert they have previously produced all relevant documents contained on the USB  
20 drive. Plaintiffs reserve the right to bring a motion to compel production of this USB drive.

21 6. Defendants contend that they are not able to provide the documents identified below  
22 due to the terms of the protective order entered in the OAH proceeding, attached hereto as Exhibit  
23 A. Therefore, the parties request that this Court issue an order allowing the production of the  
24 following documents subject to the protective order already in effect in this matter, Docket No. 41:

- 25 1. The documents produced in response to the requests for production in the OAH  
26 proceeding;
- 27 2. The redacted investigation report produced to Sherry McDaniel's attorney in the  
28 OAH proceeding;



1 **ORDER**


2 PURSUANT TO THE STIPULATION, AND GOOD CAUSE APPEARING, IT IS  
3 HEREBY ORDERED THAT Defendants produce the following within 15 days of this Order:

- 4 1. The documents produced in response to the requests for production in the OAH  
5 proceeding;
- 6 2. The redacted investigation report produced to Sherry McDaniel's attorney in the OAH  
7 proceeding;
- 8 3. The transcripts of interviews and audios of the interviews obtained during the investigation.

9 Said documents and data will be subject to the protective order in place in this matter.

10 IT IS SO ORDERED.

11 Dated: May 31, 2017

12   
13 MORRISON C. ENGLAND, JR.  
14 UNITED STATES DISTRICT JUDGE