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16

17   **UNITED STATES DISTRICT COURT**

18   **EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION**

19

20 JIMMY BROOKS, an individual,   **Case No: 2:16-cv-02376-WBS-EFB**

21   Plaintiff,

22   vs.   **STIPULATION FOR PROTECTIVE
                                               ORDER AND [PROPOSED] ORDER**
23
    CITY OF VALLEJO, a municipal
24 corporation; and DOES 1-50, inclusive,
    individually, jointly and severally,
25
26   Defendants.

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Case No. 2:16-cv-02376-WBS-EFB   STIPULATION FOR PROTECTIVE ORDER
                                                  AND [PROPOSED] ORDER

                              -1-

1   IT IS HEREBY STIPULATED BY ALL PARTIES to this action by and through

2 their attorneys of record, that in order to protect the confidentiality of the records

3 described below, any of said records disclosed are subject to a protective order (and

4 designated as "Confidential Material") as follows:

5   1.   Records pertaining to plaintiff Brooks from Vallejo Mental Health, including

6 but not limited to treatment records, billing records, and any other records from said

7 facility pertaining to plaintiff Brooks.

8   2.   Confidential material may not be disclosed except as set forth in

9 paragraphs 3- 5.

10   3.   Confidential Material may be disclosed only to the following persons:

11   a.   Counsel for any party to this action.

12   b.   Paralegal, stenographic, clerical and secretarial personnel

13   regularly employed by counsel referred to in 3(a);

14   c.   Court personnel including stenographic reporters engaged in

15   such proceedings as are necessarily incidental to

16   preparation for the trial of this action;

17   d.   Any outside expert or consultant retained in connection with

18   this action, and not otherwise employed by either party;

19   e.   Any "in house" expert designated by defendant to testify at

20   trial in this matter;

21   f.   Witnesses who may have the documents disclosed to them

22   during deposition proceedings; the witnesses may not leave

23   the depositions with copies of the documents, and shall be

24   bound by the provisions of paragraph 5;

25   g.   Any Neutral Evaluator or other designated ADR provider;

26   h.   Parties to this action; and

27   i.   The jury, should this matter go to trial.

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1   4.   Each person to whom disclosure is made, with the exception of counsel
2 who are presumed to know of the contents of this protective order, shall, prior to
3 disclosure: (1) be provided with a copy of this order by the person furnishing him/her
4 such material, and (2) agree on the record or in writing that she/he has read the
5 protective order and that she/he understand the provisions of the protective order. Such
6 person must also consent to be subject to the jurisdiction of the United States District
7 Court, Eastern District of California, with respect to any proceeding relating to the
8 enforcement of this order.

9   5.   In the event that either party wishes to file Confidential Material with the
10 court, as an exhibit to a pleading or otherwise, the filing party shall first seek an order to
11 file under seal pursuant to Local Rule 141. The Request to Seal Documents shall refer
12 to this stipulation and protective order.

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

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1   7.   The foregoing is without prejudice to the right of any party (a) to apply to

2 the Court for a further protective order relating to any Confidential Material or relating to

3 discovery in this litigation; (b) to apply to the Court for an order removing the

4 Confidential Material designation from any document; and (c) to apply to the Court for

5 an order compelling production of documents or modification of this order or for any

6 order permitting disclosure of Confidential Materials beyond the terms of this order.

7

8 DATED: August 30, 2017   Respectfully Submitted,

9
                                            / s / *Kelly J. Trujillo*
10   KELLY J. TRUJILLO
                                           Assistant City Attorney
11   Attorney for Defendants,
                                           CITY OF VALLEJO, et al.
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14 DATED: August 30, 2017
                                            / s / *James Cook*
15   JAMES COOK
                                           BEN NISENBAUM
16   Attorneys for Plaintiff,
                                           JIMMY BROOKS
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19 **IT IS SO ORDERED.**

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21 Dated: August 31, 2017
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                                           UNITED STATES MAGISTRATE JUDGE
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