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17 **UNITED STATES DISTRICT COURT**
 18 **EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION**

19 JOSEPH LEDESMA, an individual; and
 JEANNIE LEDESMA, an individual,

20 Plaintiffs,

21 vs.

22 CITY OF VALLEJO, a municipal corporation,
 23 ROBERT DeMARCO, individually and in his
 24 official capacity as Police Officer for the CITY
 OF VALLEJO; AMANDA BLAIN, individually
 25 and in her official capacity as Police Officer
 for the CITY OF VALLEJO; and DOES 1-50,
 26 individually and in their official capacities as
 Police Officers for the CITY OF VALLEJO,
 27 jointly and severally,

Case No: 2:17-cv-00106-MCE-CKD

**STIPULATION FOR PROTECTIVE
 ORDER; ORDER THEREON**

28 **Case No. 2:17-cv-00106-MCE-CKD**

**STIPULATION FOR PROTECTIVE ORDER;
 ORDER THEREON**

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Defendants.

IT IS HEREBY STIPULATED BY ALL PARTIES to this action by and through their attorneys of record, that in order to protect the confidentiality of the records described below, any of said records disclosed are subject to a protective order and designated as "Confidential Material" as follows:

1. Records produced by defendants' in the production of documents pertaining to:
 - Citizen complaints and internal affairs investigations related to alleged excessive force or alleged dishonesty against Defendant Blain within the last five years.
 - Citizen complaints and internal affairs investigations related to alleged excessive force or alleged dishonesty against Defendant DeMarco within the last five years.
2. Confidential material may not be disclosed except as set forth in paragraphs 3- 5.
3. Confidential Material may be disclosed only to the following persons:
 - a. Counsel for any party to this action.
 - b. Paralegal, stenographic, clerical and secretarial personnel regularly employed by counsel referred to in 3(a);
 - c. Court personnel including stenographic reporters engaged in such proceedings as are necessarily incidental to preparation for the trial of this action;

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- d. Any outside expert or consultant retained in connection with this action, and not otherwise employed by either party;
- e. Any “in house” expert designated by defendant to testify at trial in this matter;
- f. Witnesses, other than the plaintiffs herein, who may have the documents disclosed to them during deposition proceedings; the witnesses may not leave the depositions with copies of the documents, and shall be bound by the provisions of paragraph 5;
- g. Any Neutral Evaluator or other designated ADR provider;
- h. Parties to this action; and
- i. The jury, should this matter go to trial.

4. Each person to whom disclosure is made, with the exception of counsel who are presumed to know of the contents of this protective order, shall, prior to disclosure: (1) be provided with a copy of this order by the person furnishing him/her such material, and (2) agree on the record or in writing that she/he has read the protective order and that she/he understand the provisions of the protective order. Such person must also consent to be subject to the jurisdiction of the United States District Court, Eastern District of California, with respect to any proceeding relating to the enforcement of this order. Defendant City of Vallejo and the named defendants herein shall be entitled to retain possession of the original writings described above. Nothing in this paragraph 4 is intended to prevent officials or employees of the City of Vallejo or other authorized government officials or any other persons from having access to the documents if they would have had access in the normal course of their job duties or rights as a citizen. Further, nothing in this order prevents a witness from disclosing events or activities personal to them, i.e., a witness can disclose to others previous

1 information given to the City of Vallejo with respect to what she/he saw, heard, or
2 otherwise sensed.

3 5. At the conclusion of the trial and of any appeal or upon other termination
4 of this litigation, all Confidential Material received under the provision of this order
5 (including any copies made) shall be delivered back to the City of Vallejo. Provisions of
6 this order insofar as they restrict disclosure and use of the material shall be in effect
7 until all Confidential Material (including all copies thereof) are returned to defendants.

8 6. Should a party intend to file Confidential Material with the court, as an
9 exhibit to a pleading or otherwise, that party must first notify all other parties (through
10 their attorneys), in writing and filed with the court, no less than fourteen days before the
11 intended filing date, giving any such party reasonable notice and an opportunity to apply
12 to the court for an order to file the material under seal. No document shall be filed under
13 seal unless a party secures a court order allowing the filing of a document under seal in
14 accordance with the provisions of E.D. Local Rule 141.

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

19 8. The foregoing is without prejudice to the right of any party (a) to apply to
20 the Court for a further protective order relating to any Confidential Material or relating to
21 discovery in this litigation; (b) to apply to the Court for an order removing the
22 Confidential Material designation from any document; and (c) to apply to the Court for
23 an order compelling production of documents or modification of this order or for any
24 order permitting disclosure of Confidential Materials beyond the terms of this order.

25 9. Upon receipt of this Protective Order and disclosure of the Confidential
26 Material, it will be presumed that plaintiffs know the contents of this Protective Order,
27 understand the provisions of this Protective Order and consent to be subject to the

1 jurisdiction of the United States District Court, Eastern District, with respect to any
2 proceeding relating to the enforcement of this Protective Order.

3 10. Confidential Material disclosed may be used in the litigation of this action
4 only, and not for any other purpose.

5 11. Violation of the terms of this Protective Order MAY SUBJECT a party to
6 any and all permissible SANCTIONS, including dismissal.

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8 DATED: December 29, 2017

Respectfully Submitted,

9
10 / s / Kelly J. Trujillo
11 KELLY J. TRUJILLO
12 Assistant City Attorney
13 Attorney for Defendants,
14 CITY OF VALLEJO, et al.

15 DATED: December 29, 2017

16 / s / Melissa Nold
17 MELISSA C. NOLD
18 Attorney for Plaintiffs

19 **IT IS SO ORDERED.**

20 **Dated: January 10, 2018**

21 
22 MORRISON C. ENGLAND, JR.
23 UNITED STATES DISTRICT JUDGE