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17 IN THE UNITED STATES DISTRICT COURT
 18 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 19 SAN FRANCISCO DIVISION

21 **DERRICK CLARK, et al.,**
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 Plaintiffs,
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 v.
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STATE OF CALIFORNIA, et al.,
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 Defendants.
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C 96-1486 CRB
**JOINT STIPULATION AND
 PROTECTIVE ORDER**
 Date: April 26, 2010
 Time: 9:30 a.m.
 Courtroom: 8, 19th Floor
 Judge The Honorable Charles R.
 Breyer
 Action Filed: April 22, 1996

1 SUBJECT TO THE APPROVAL OF THE COURT, THE PARTIES HEREBY
2 STIPULATE that the following provisions shall apply to unredacted inmate declarations obtained
3 by Defendants from Plaintiffs in connection with discovery in this action, as addressed in
4 Magistrate Judge Nandor Vadas' March 10, 2010 order in this case.

5 1. The identities and CDCR numbers of the inmates obtained by Defendants from Plaintiffs
6 through the specified declarations shall be regarded as confidential – attorney's eyes only and
7 subject to this Protective Order.

8 2. The confidential - attorney's eyes only material may be disclosed only to the following
9 persons:

10 a. Counsel for the parties in this action, and Julian Martinez, from the Office of Court
11 Compliance;

12 b. Paralegal, clerical, and other personnel regularly employed by counsel of record;

13 c. Court personnel and stenographic reporters engaged in such proceedings as are
14 incidental to proceedings in this action;

15 d. Any expert or consultant retained by either party or the Court for purposes of this
16 action;

17 e. Court reporter(s) employed in this action;

18 f. Witnesses to whom the confidential material may be disclosed during a deposition
19 taken in this matter provided that the witnesses may not leave any deposition with
20 any copies of any of the confidential material, and shall be informed of and agree
21 to be bound by the terms of this Order; and

22 g. Any other person as to whom the parties in writing agree.

23 3. Each person to whom disclosure of the names and/or CDCR numbers of the inmates
24 named in the declarations specified above shall, prior time of disclosure, be made aware of, and
25 agree to abide by, the terms of this Protective Order.

26 4. All confidential - attorney's eyes only material shall be used solely in connection with the
27 above-captioned action and not for any other purpose, including other litigation.

28 5. All material designated confidential-attorney's eyes under this Protective Order shall used

1 solely in connection with the above-captioned action and not for any other purpose, including
2 other litigation.

3 6. Plaintiffs' and Defendants' counsel, and their staff, experts and consultants shall not make
4 copies of confidential- attorney's eyes only material except as necessary for purposes of this
5 action.

6 7. If confidential - attorney's eyes only material, as defined in this Protective Order,
7 including any portion of a deposition transcript designated as confidential or attorney's eyes only,
8 is included in any papers to be filed with the Court, such papers shall be labeled "Confidential-
9 Subject to Court Order" and filed under seal until further order of this Court.

10 8. At the conclusion of this action, all confidential material covered by this Protective Order,
11 including all copies, will be destroyed.

12 9. The provisions of the Order shall remain in full force and effect until this Court orders
13 otherwise.

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1 10. This Protective Order does not supersede any prior protective order that may have been
2 entered by the Court, and is not intended to limit the use of either party of documents obtained
3 through other means.

4 11. The parties' agreement to this Protective Order does not indicate an agreement that such a
5 protective order is necessary or warranted under the relevant legal standards.

6 SO STIPULATED:

7 Dated. April 7, 2010

EDMUND G. BROWN JR.
Attorney General of California

9
10 /s/ Jose A. Zelidon-Zepeda
11 JOSE A. ZELIDON-ZEPEDA
12 Deputy Attorney General
Attorneys for Defendants

13 Dated: April 7, 2010

PRISON LAW OFFICE

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15 /s/ Sara Norman
16 Sara Norman
17 Attorneys for Plaintiffs

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21 In accordance with the parties' stipulation, IT IS SO ORDERED.

22 Dated: April 12, 2010

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The Honorable Nandor Vadas
United States Magistrate Judge