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28 DERRICK CLARK, et al.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DERRICK CLARK, et al.,

Plaintiffs,

v.

STATE OF CALIFORNIA, et al.,

Defendants.

Case No. C'96-1486-CRB

STIPULATION AND ~~PROCEEDURE~~
ORDER GOVERNING PLAINTIFFS'
DISCLOSURE OF DOCUMENTS
CONTAINING TIME ENTRIES
PURSUANT TO RULE 502 OF THE
FEDERAL RULES OF EVIDENCE

Judge: Hon. Charles R. Breyer
Action filed: April 22, 1996

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THE PARTIES HEREBY STIPULATE to the following:

1. The parties intend to try to resolve attorneys' fees and costs in relation to the Findings of Fact and Conclusions of Law entered on September 16, 2010, without motion practice;

2. The purpose of this stipulation is to allow disclosure of documents containing time entries ("Documents") by the Prison Law Office and Jones Day (collectively "Plaintiffs' Counsel") to Defendants while preserving all privileges and protections, including work product protection, that may apply to the documents prior to their disclosure;

3. The parties agree that Plaintiffs' Counsel's disclosure of the Documents to Defendants and/or any use Plaintiffs or Defendants make of the Documents in this proceeding does not constitute a waiver of any applicable attorney-client privilege or work product protection over the Documents, the communications contained therein, or their subject matter in this or any other proceeding, and that this agreement is to be interpreted to provide the greatest protection to the Plaintiffs pursuant to Federal Rule of Evidence 502, or otherwise permitted by law. This agreement does not, however, increase the Plaintiffs' rights or protection beyond that which existed prior to the disclosure of the Documents;

4. The parties agree that this Stipulation will constitute a binding agreement pursuant to Federal Rule of Evidence 502(d) and 502(e), and that: (a) Defendants will maintain the confidentiality of the Documents and will not disclose the Documents to any other person other than Defendants, their attorneys, consultants, and persons who are necessary for assessing the validity and reasonableness of the fees and settlement thereof, (b) any such disclosure shall be made only for purposes of settlement of fees in this action, and (c) Defendants will not use the Documents in any proceeding other than this action.

SO STIPULATED:

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Dated: October 5, 2010

Prison Law Office

By: /s/ Sara Norman
Sara Norman

Counsel for Plaintiffs
DERRICK CLARK, et al.

Dated: October 15, 2010

Edmund G. Brown Jr.
Attorney General of California

By: 
Jose A. Zelidon-Zepeda
Deputy Attorney General

Counsel for Defendants
STATE OF CALIFORNIA, et al.

IT IS SO ORDERED.

Dated: October 18, 2010

The Honorable Charles R. Breyer
United States District Court

