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February 12, 2009

Hon. Joseph Spero
U.S. Magistrate Judge
United States District Court, Northern District
450 Golden Gate Avenue
San Francisco, CA 94102

RE: Moyle, et al. v. County of Contra Costa, et al.
USDC, Northern District, Case No. C 05-2324 JCS

Judge Spero:

Plaintiffs' class counsel are scheduled to continue their examination of juveniles' files at Contra Costa County Juvenile Hall beginning on Tuesday, February 17, 2009, and continuing through the end of that week. As previously discussed in court at our last appearance on January 16, 2009, defendants have not permitted plaintiffs' class counsel to remove from juvenile hall a list of files presented for review which includes the names of the juveniles booked at Contra Costa County Juvenile Hall. The names of the juveniles are essential in order for appropriate record keeping and will be required to provide notice to class members.

Defendants have indicated they do not oppose a protective order which would permit them to disclose the names of the juveniles booked at juvenile hall whose files plaintiffs' counsel have and are in the process of continuing to examine, but considerations of restrictions imposed on the disclosure of confidential juvenile court records by California Welfare and Institutions Code § 827, preclude them from either drafting the protective order or producing records without it. They do request, however, that the Contra Costa County Juvenile Court be given an opportunity to appear and/or object to any protective order which would allow the release of otherwise confidential information.

Accordingly, plaintiffs' counsel have prepared and are submitting to the Court an application for a protective order which would allow the release of the requested information and are suggesting an appearance before the court for February 13, 2009, at 1:30 p.m. which would allow a representative of the juvenile court to appear should

Hon. Joseph Spero
February 12, 2009
Page 2

they choose to object to the issuance of the suggested protective order. A proposed protective order and an application for issuance of such is filed herewith.

Respectfully submitted,

LAW OFFICE OF MARK E. MERIN



Mark E. Merin

MEM:klk

cc: Peter Obstler (via ECF Service)
James Fitzgerald (via ECF Service)
Andy Schwartz (via ECF Service)

Dated: February 12, 2009

