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7 Attorneys for Defendant
 8 CITY AND COUNTY OF SAN FRANCISCO

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

11 MEHRDAD ALEMOZAFFAR,

12 Plaintiff,

13 vs.

14 CITY AND COUNTY OF SAN
 15 FRANCISCO, a municipal corporation;
 16 JESSE SERNA, individually and in his
 official capacity as a police officer for the
 17 CITY AND COUNTY OF SAN
 FRANCISCO; GARY MORIYAMA,
 18 individually and in his official capacity as
 a police officer for the CITY AND
 19 COUNTY OF SAN FRANCISCO; J
 MCGRATH, individually and in his
 20 official capacity as a police officer for the
 CITY AND COUNTY OF SAN
 21 FRANCISCO; J. REYMUNDO,
 individually and in his official capacity as
 22 a deputy sheriff officer for the CITY AND
 COUNTY OF SAN FRANCISCO; G.
 23 COVIELLO, , individually and in his
 official capacity as a deputy sheriff officer
 24 for the CITY AND COUNTY OF SAN
 FRANCISCO.

25 Defendants.

Case No. C07-4494 JSW

**STIPULATION AND [~~PROPOSED~~]
 GAG ORDER**

Date Action Filed: July 20, 2007
 Trial Date: June 15, 2009

1 WHEREAS defendants have moved this Court for an order preventing the parties from
2 engaging in communications with the media and from making extrajudicial statements;

3 WHEREAS subsequent to defendants' filing of the motion, the parties have met and
4 conferred in an effort to come to an agreement regarding the language and scope of the proposed gag
5 order;

6 AND WHEREAS the parties have endeavored to produce a proposed order that is consistent
7 with existing precedent, including *Levine v. District Court*, 764 F.2d 590 (9th Cir. 1985).

8 THE PARTIES HEREBY AGREE AND STIPULATE, subject to the Court's approval, to
9 the following order:

10
11 The parties and their attorneys in this matter shall not communicate with the media or make
12 any extra-judicial public statements regarding this case or Defendant Officer Jesse Serna, relating to
13 one or more of the following subjects:

14 (1) The character, credibility, or reputation of a party;

15 (2) The identity of a witness or the expected testimony of a party or a witness;

16 (3) The contents of any pretrial confession, admission, or statement given by a party or
17 witness or that person's refusal or failure to make a statement;

18 (4) The identity or nature of physical evidence expected to be presented or the absence of
19 such physical evidence;

20 (5) The strengths or weaknesses of the case of either party;

21 (6) Allegations of misconduct or citizen complaints against any defendant, including OCC
22 complaints and lawsuits;

23 (7) Any employer-imposed discipline, sanction or remedial measure that has been or could be
24 taken against any defendant;

25 (8) The parties' past, present or future settlement negotiations or positions in this case;

26 (9) Any City or County policy, custom or practice that is or may become at issue in this case;

27 and
28

1 (10) Any other information the lawyer or party knows or reasonably should know is likely to
2 be inadmissible as evidence or would create a substantial likelihood of material prejudice if
3 disclosed.

4 This order shall remain in force during the pendency of this action or until further order of
5 this Court. No person covered by this order shall avoid its effects by indirectly but deliberately
6 taking actions which bring about a violation of the order.

7 The hearing on defendants' gag order motion, scheduled for April 16, 2009, is off calendar.

8 Dated: April 13, 2009

9 DENNIS J. HERRERA
10 City Attorney
11 JOANNE HOEPER
12 Chief Trial Deputy
13 SCOTT D. WIENER
14 DANIEL A. ZAHEER
15 Deputy City Attorney

16 - /s/ - Daniel A. Zaheer

17 By: _____
18 DANIEL A. ZAHEER
19 Attorneys for Defendants

20 Dated: April 13, 2009

21 LAW OFFICES OF SANFORD M. CIPINKO

22 - /s/ - Jeremy Cloyd

23 By: _____
24 JEREMY CLOYD
25 Attorneys for Plaintiff MEHRDAD ALEMOZAFFAR

26 **Pursuant to GO 45, the electronic signatory has
27 obtained approval from this signatory.*

28 PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: April 14, 2009 _____



HON. JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE