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31 Attorneys for: Defendant Deputy Paul DeShong

32 UNITED STATES DISTRICT COURT
 33 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

34 BRENT BECKWAY,)	NO. C 07 5072 TEH (EDL)
)	
35 vs.)	STIPULATION AND PROTECTIVE
)	ORDER
36 DEPUTY PAUL DESHONG, DOES 1 through 10,)	
inclusive, SHERIFF RODNEY K. MITCHELL,)	
37 COUNTY OF LAKE SHERIFF'S DEPARTMENT)	
and COUNTY OF LAKE,)	
)	
38 Defendants.)	

1 It is hereby stipulated by and between all the parties to this action by and through their
2 respective attorneys of record, that in order to protect the confidentiality of the records described
3 below, any of said records disclosed pursuant to court order following the court's in camera review
4 are subject to a protective order (and designated as "Confidential Material") as follows:

5 1. The following records are designated as "Confidential Material":

6 a. County of Lake employment records of Richard Ward and/or Paul DeShong to
7 the extent such records are ordered by the court to be produced after
8 completion of the court's in camera review of the records submitted by
9 Defendant County of Lake.

10 2. Confidential Material shall be used solely in connection with this litigation, the
11 preparation of trial, and trial in this case, subject to the rules of admissibility, or any related appellate
12 proceedings, and not for any other purpose, including any other litigation.

13 3. Confidential Material may not be disclosed except as set forth in paragraphs 4 and 5.

14 4. Confidential Material may be disclosed only to the following persons:

- 15 a. Counsel for any party to this action.
16 b. Paralegal, stenographic, clerical and secretarial personnel regularly employed
17 by counsel referred to in 4(a);
18 c. Court personnel including stenographic reporters engaged in such proceedings
19 as are necessarily incidental to preparation for the trial of this action;
20 d. Any outside expert or consultant retained in connection with this action, and
21 not otherwise employed by either party;
22 e. Any "in house" expert designated by Defendants to testify at trial in this
23 matter;
24 f. Persons shown on the face of the document to have authored or received it;
25 g. Any Neutral Evaluator or other designated ADR provider;
26 h. Such other persons as the parties may mutually agree;

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1 otherwise instructed by the court.

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

7 8. Any document filed with the Court that reveals Confidential Material shall be filed
8 under seal, labeled with a cover sheet as follows: "Brent Beckway v. Deputy Paul DeShong, et al.,
9 United States District Court, Northern District, Case No. C-07-5072 TEH. This document is subject
10 to a protective order issued by the Court and may not be copied or examined except in compliance
11 with that order." Documents so labeled shall be kept by the Clerk under seal and shall be made
12 available only to the Court or counsel. Upon failure of the party to so file a document under seal, the
13 producing party may request that the Court place the filing under seal.

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

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

24 Dated: 8-30-11

LAW OFFICES OF BARON J. DREXEL
LAW OFFICES OF CHARLES F. BOURDON

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27 By: /s/ Baron J. Drexel
BARON J. DREXEL
CHARLES F. BOURDON
Attorneys for Plaintiff

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Dated: 8-30-11

JONES & DYER

By: /s/ Mark A. Jones
MARK A. JONES
KRISTEN K. PRESTON
Attorneys for Defendants County of Lake,
County of Lake Sheriff's Department, Sheriff
Rodney Mitchell and Deputy Richard Ward

Dated: 8-30-11

PORTER | SCOTT

By: /s/ John R. Whitefleet
TERENCE J. CASSIDY
JOHN R. WHITEFLEET
Attorneys for Defendant Paul Deshong

ORDER

The Court having considered the foregoing stipulation of the parties, and good cause appearing, the Court hereby orders that any and all employment records of Richard Ward and/or Paul DeShong ordered produced to the plaintiff by the County of Lake upon completion of the court's in camera review of such records be subject to a protective order fully incorporating the provisions set forth above. Any party that seeks to file under seal any Confidential Material must comply with Local Rule 79-5.

Pursuant to stipulation, it is so ordered.

Dated: August 31, 2011


ELIZABETH D. LAPORTE
United States Magistrate Judge

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EXHIBIT A

ACKNOWLEDGMENT AND AGREEMENT TO BE BOUND

I, _____ [print or type full name], of _____ [print or type full address], declare under penalty of perjury that I have read in its entirety and understand the Stipulated Protective Order that was issued by the United States District Court for the Northern District of California on _____ [date] in the case of Beckway v. DeShong, et al., Case No. C 07 5072 TEH (EDL). I agree to comply with and to be bound by all the terms of this Stipulated Protective Order and I understand and acknowledge that failure to so comply could expose me to sanctions and punishment in the nature of contempt. I solemnly promise that I will not disclose in any manner any information or item that is subject to this Stipulated Protective Order to any person or entity except in strict compliance with the provisions of this Order.

I further agree to submit the jurisdiction of the United States District Court for the Northern District of California for the purpose of enforcing the terms of this Stipulated Protective Order, even such enforcement proceedings occur after termination of this action.

I hereby appoint _____ [print or type full name] of _____ [print or type full address and telephone number] as my California agent for service of process in connection with this action or any proceedings related to enforcement of this Stipulated Protective Order.

Date: _____
City and State where sworn and signed: _____

Printed Name: _____
[printed name]

Signature: _____
[signature]