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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

LONG HAUL, INC. and EAST BAY)	Docket No. 3:09-CV-00168-JSW
PRISONER SUPPORT,)	
Plaintiffs,)	
)	
vs.)	
REGENTS OF THE UNIVERSITY OF)	STIPULATION AND PROPOSED
CALIFORNIA; et. al.)	ORDER RE: USE OF SEIZED
Defendants.)	MATERIALS

RECITALS

- A. Plaintiff Long Haul, Inc. ("Long Haul") is a non-profit corporation that operates a bookshop and community space located at 3124 Shattuck Avenue in Berkeley, California. Long Haul has alleged that it publishes Slingshot, a quarterly newspaper, out of an office on its second floor.
- B. Plaintiff East Bay Prisoner Support group ("EBPS") is an unincorporated prisoner-rights group that occupies an office on the first floor of Long Haul, and has alleged that it is otherwise unaffiliated with Long Haul.
- C. On August 27, 2008, law enforcement officers executed a search warrant at the facilities of Long Haul and seized, among other things:
 - A Blue/White Power Macintosh G3 with serial number 5G852887FQ2 (Slingshot office)
 - A Macintosh with serial number QT3101MGNHX (Slingshot office)
 - Miscellaneous CDs and cassettes (Slingshot office)

- 1 • An “Excel” computer, NO 10979 (EBPS office)
- 2 • Miscellaneous CDs (EBPS office)
- 3 • A print USB flash drive (EBPS office)
- 4 • Data stored on these items

5 (hereinafter the “Materials”).

6 D. On January 14, 2009, Plaintiffs Long Hall and EBPS filed a complaint against Defendants
7 for injunctive and declaratory relief and for damages in connection with the August 27,
8 2008 raid.

9 E. Defendants made copies of information contained in the Materials, and returned the
10 originals to Plaintiffs. The copies are currently in the sole possession of Defendants in this
11 lawsuit.

12 **STIPULATION**

13 The parties through their attorneys of record hereby stipulate to the following:

- 14 1. Defendants, and each of them, including their agents, officers, employees and all persons
15 acting in concert with them (hereinafter “Defendants”) will not use any items, property,
16 data or information seized from either the Slingshot office or the EBPS office during the
17 August 27, 2008, raid, including but not limited to the items listed above and the data stored
18 on those items (the Materials) without first giving notice to Plaintiffs as provided in
19 paragraph 2 hereof.
- 20 2. Defendants will provide at least 45 days’ notice to Plaintiffs and Plaintiffs’ attorneys of
21 record prior to any use of the Materials. Any party may seek to extend or reduce the 45-day
22 period by means of an application to the Court upon a showing of good cause. Plaintiffs
23 may seek to extend the 45-day period in order to furnish additional time to seek judicial
24 review regarding Defendant’s proposed use. Defendants may seek to reduce the 45-day
25 period due to law enforcement exigencies that may arise.
- 26 3. The Parties agree to negotiate in good faith regarding any request to extend or reduce the
27 45-day notice period, prior to seeking modification of same with the Court.
- 28 4. Defendants will implement an audit trail procedure and other security mechanisms with
regard to the Materials, to ensure compliance with this stipulation.

5. For the purposes of this stipulation, "use" includes but is not limited to any inspection, access, viewing, use, distribution, copying or transfer of seized materials or information, but does not include mere retention of data.

DATED: May 18, 2009

/s/Jennifer Granick

/s/William J. Carroll

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GENERAL ORDER NO. 45(X) CERTIFICATION


I attest that I have obtained the concurrence of Jonathan U. Lee and William J. Carroll in the filing of this document.

/s/Jennifer Granick

Jennifer Granick

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: May 19, 2009


Hon. Jeffrey S. White
United States District Judge