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 And OFFICER GARTH BENDER

11  
 12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA

14  
 15 LUZ HERNANDEZ,  
 16 Plaintiff,  
 17 vs.  
 18 CITY OF NAPA, et al.,  
 19 Defendants.

Case No.: C09-2782 EDL

**STIPULATION BY PLAINTIFF AND  
 DEFENDANTS CITY OF NAPA, POLICE  
 CHIEF MELTON AND OFFICER  
 BENDER'S RE: APPLICATION FOR AN  
 ORDER ALLOWING IN CAMERA REVIEW  
 OF TWO IA FILES TO DETERINE  
 RELEVANCE AND POSSIBLE  
 DISCLOSURE UNDER THE PROTECTIVE  
 ORDER IN THIS CASE**

22 Plaintiff, acting by and through her attorney Tim Port, and defendants CITY OF NAPA,  
 23 POLICE CHIEF RICHARD MELTON And OFFICER GARTH BENDER, acting by and through  
 24 their attorney Greg Fox respectfully hereby stipulate for an Order for an in camera inspection of the  
 25 following two Internal Affairs files which were filed pursuant to the parties Administrative Motion to  
 26 File under Seal: Unredacted Copies of City of Napa Police Department's Citizens Complaints Nos.  
 27 93-13 and 09-02.

28 The parties have met and conferred and agreed that defendants should search for any citizen

1 complaint involving any officers including the defendant officer and all witness officers who were  
2 present at plaintiff's residence either on the date of the April incident that forms the basis for her  
3 lawsuit and/or during another incident in January of the same year preceding the date of the incident.  
4 Following a search of department records the above cited two citizens complaints and related IA  
5 investigations are produced for an in camera inspection by the Court to determine if any or all of the  
6 subject confidential documents should be produced under the protective order that is in effect in this  
7 case. The documents contain a detailed account of investigations by the Napa Police Department's  
8 and give the names of the various police officers, complainants and witnesses involved in these  
9 investigations.

10 The parties respectfully request that the Court conduct an in camera review and decide what if  
11 any documents should be produced under the terms of the protective order based on plaintiff's claims  
12 she was falsely arrested because of a conspiracy between defendants.

13 Respectfully submitted.

14 Dated: December 7, 2010

LAW OFFICES OF TIM A. PORI

16 By: \_\_\_\_\_ /s/  
17 TIM A. PORI  
18 Attorney for Plaintiff

19 Dated: December 7, 2010

BERTRAND, FOX & ELLIOT

21 By: \_\_\_\_\_ /s/  
22 Gregory M. Fox  
23 Attorneys for Defendants  
24 CITY OF NAPA, POLICE CHIEF RICHARD  
25 MELTON and OFFICER GARTH BENDER

26 **ATTORNEY ATTESTATION**

27 I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
28 conformed signature ("/s/") within this E-filed document.

Dated: \_December 7, 2010

\_\_\_\_\_/s/  
Gregory M. Fox

**ORDER**

Good Cause Appearing the Stipulation is So Ordered.

Dated: December 8, 2010

*Elijah D. Legate*  
UNITED STATES MAGISTRATE JUDGE

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