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13 Attorney for Plaintiff
 14 AMOURA BURTON

15
 16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA

18 AMOURA BURTON,

19 Plaintiff,

20 vs.

21 CITY AND COUNTY OF SAN FRANCISCO
 22 POLICE DEPARTMENT (CCSFPD);
 GEORGE GASCON, individually and in his
 23 official capacity as CCSFPD Police Chief;
 CCSFPD Officer STEPHEN BENZINGER,
 24 individually and in his official capacity as
 CCSFPD Sergeant, and DOES 1-100,
 25 inclusive,

26 Defendants.

Case No. CV-10-1348 WHA

**STIPULATED ~~REVISED PROPOSED~~
 PROTECTIVE ORDER**

1 Pursuant to Federal Rule of Civil Procedure 26(c) the parties have met and conferred and agree
2 that the discovery of CONFIDENTIAL INFORMATION in this matter be made pursuant to the terms
3 of this PROTECTIVE ORDER.

4 GOOD CAUSE APPEARING, the parties stipulate, though their attorneys of record, to the
5 entry of an order as follows:

6 1. CONFIDENTIAL INFORMATION, within the meaning of this PROTECTIVE
7 ORDER, shall include all information concerning peace officer personnel records or official
8 information, and any other information that defendants in good faith have determined to be
9 confidential. In addition, all documents related to any criminal investigation incidental to the event
10 forming the basis of this lawsuit (including, but not limited to, audiotapes, videotapes, photographs,
11 transcripts, etc.) shall be also be deemed CONFIDENTIAL INFORMATION within the meaning of
12 this stipulated protective order. Defendants shall attempt to stamp "Confidential" on all documents
13 containing such information prior to production and/or attempt to designate portions of testimony as
14 "Confidential" during such testimony. However, defendants may also designate documents or
15 portions of testimony as "Confidential" after their production and/or after such testimony is given,
16 provided defendants have a good faith basis for such designation. In the event that any
17 CONFIDENTIAL INFORMATION is inadvertently not stamped or declared as "Confidential" by
18 defendants, the party who notices this oversight shall nonetheless treat such documents as
19 CONFIDENTIAL INFORMATION. Such party shall also immediately make the labeling oversight
20 known to the other parties and the documents, including transcripts, shall immediately be stamped as
21 "Confidential" and treated as such, as per this order.

22 2. Plaintiff may challenge defendants' designation of a particular document as
23 CONFIDENTIAL INFORMATION by filing an appropriate motion, under seal, with the Court. The
24 parties agree that the prevailing party in a motion to remove the confidential designation shall waive
25 any entitlement to monetary sanctions, including attorney's fees.

26 3. Unless disclosure is ordered by the Court, attorneys for defendants shall have the sole
27 authority to determine that documents subject to the PROTECTIVE ORDER are no longer considered
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1 CONFIDENTIAL INFORMATION and will advise counsel for plaintiff in writing if this
2 determination is made.

3 4. Any CONFIDENTIAL INFORMATION that is disclosed or produced by any party or
4 non party in connection with this case may be used only for prosecuting, defending, or attempting to
5 settle this litigation. CONFIDENTIAL INFORMATION may be disclosed only to the categories of
6 persons and under the conditions described in this Order. When the litigation has been terminated, all
7 parties or non parties that have received CONFIDENTIAL INFORMATION must comply with the
8 provisions of sections 10 and 11, below.

9 All parties or non parties that have received CONFIDENTIAL INFORMATION must
10 store and maintain it in a secure manner that ensures that access is limited to the persons authorized
11 under this Order.

12 5. Plaintiff's Counsel may exhibit, discuss, and/or disclose CONFIDENTIAL
13 INFORMATION only to the following categories of person and no other unless authorized by order of
14 the Court:

15 a. Plaintiff's Counsel and Plaintiff, subject to the requirements of Section 7,
16 below;

17 b. Experts, investigators or consultants retained by Plaintiff's Counsel to assist in
18 the evaluation, preparation, or trial of this case; however, before any expert, investigator, or consultant
19 is permitted to review the CONFIDENTIAL INFORMATION, such individual must agree to comply
20 with the terms of this PROTECTIVE ORDER by executing the document attached as Exhibit A.
21 Plaintiff's counsel shall serve that document upon its execution; however, Plaintiff's counsel shall not
22 be required to serve any Agreement to Comply any earlier than the date that Expert Disclosures are
23 required to be made. Experts, investigators, and consultants shall not have any power to authorize
24 further disclosure of CONFIDENTIAL INFORMATION to any other person.

25 6. Counsel for Plaintiff may not provide originals or copies of documents containing
26 CONFIDENTIAL INFORMATION to any plaintiff absent the written agreement of counsel for the
27 City or a court order, subject to the following:
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1 a. Counsel for Plaintiff may discuss the general nature of the CONFIDENTIAL
2 INFORMATION with plaintiffs without disclosing any identifying details about a specific incident or
3 any documents. Plaintiff's counsel may also review with a plaintiff any statement or interview given
4 by that plaintiff.

5 7. Unless otherwise stipulated to by defendants, before plaintiff or his counsel files any
6 pleading or other paper with the Court containing CONFIDENTIAL INFORMATION and/or referring
7 to the substance of any CONFIDENTIAL INFORMATION, plaintiff's counsel shall first notify
8 defendants of such proposed filing or submission, and, unless defendants' counsel consents that such
9 pleading or other paper may be filed without being sealed, plaintiff's counsel shall follow the
10 procedures set forth in Northern District of California Civil Local Rule 79-5(b), (c), or (d) to request
11 that all or portions of such pleading or other paper be filed under seal.

12 8. In the event any person desires to exhibit documents or disclose CONFIDENTIAL
13 INFORMATION covered under this stipulation during trial or pretrial proceedings, such person shall
14 meet and confer with counsel for defendants to reach an agreement, in accordance with the Court's
15 rules and procedures, on an appropriate method for disclosure, and if defendants do not agree to such
16 disclosure, such CONFIDENTIAL INFORMATION shall not be disclosed unless authorized by order
17 of the Court. Unless otherwise agreed, transcripts and exhibits that incorporate or reference
18 CONFIDENTIAL INFORMATION covered under this stipulation shall be treated as
19 CONFIDENTIAL INFORMATION that is subject to the provisions of this PROTECTIVE ORDER.
20 The Court Reporter shall mark as "Confidential" any deposition or hearing transcript that contains any
21 CONFIDENTIAL INFORMATION or any reference to CONFIDENTIAL INFORMATION.

22 9. If a party who has received CONFIDENTIAL INFORMATION learns that, by
23 inadvertence or otherwise, it has disclosed CONFIDENTIAL INFORMATION to any person or in any
24 circumstance not authorized under this PROTECTIVE ORDER, the party must immediately (a) notify
25 the San Francisco City Attorney's Office in writing of the unauthorized disclosures, (b) use its best
26 efforts to retrieve all copies of the CONFIDENTIAL INFORMATION, (c) inform the person or
27 persons to whom unauthorized disclosures were made of all the terms of this Order, and (d) request
28 such person or persons to execute the document that is attached hereto as Exhibit A.

1 Dated: December 2, 2010

LAW OFFICE OF CHÉ L. HASHIM

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3 By: _____ /s/

4 CHÉ HASHIM

Attorneys for Plaintiff

5 *Pursuant to GO 45, the electronic signatory has
6 obtained approval from this signatory.

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8 **ORDER**

9 Based on the foregoing stipulation and good cause appearing, IT IS SO ORDERED.

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12 Dated: December 3, 2010.



13 HON. WILLIAM ALSUP
14 UNITED STATES DISTRICT JUDGE

EXHIBIT A

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1 **AGREEMENT TO COMPLY WITH STIPULATED PROTECTIVE**
2 **ORDER FOR CONFIDENTIAL INFORMATION**

3 I, _____, have read and understand the Court’s Protective Order for
4 CONFIDENTIAL INFORMATION. I agree to abide by all terms of the Order. In addition, I
5 specifically understand and agree to the following:

- 6 1. I will not disclose the CONFIDENTIAL INFORMATION to any other person.
7 2. I understand that I have no power to authorize any other person to review the
8 CONFIDENTIAL INFORMATION.
9 3. I agree not to make copies of the CONFIDENTIAL INFORMATION.
10 4. I agree to return the CONFIDENTIAL INFORMATION to the counsel for the party that
11 produced it, at or before the conclusion of this litigation.
12 5. I understand that if I violate any of the terms of the Protective Order, then Plaintiffs,
13 Plaintiffs’ Counsel, and I may be subject to sanctions or possible contempt.

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15 AGREED:

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17 _____
DATE

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19 _____
SIGNATURE

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PRINT NAME
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