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5 Attorneys for Plaintiffs DANIEL SPALDING, KATHARINE LONCKE, DANIELLE LOPEZ
6 GREEN, ADRIAN DRUMMOND-COLE

7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 DANIEL SPALDING, KATHARINE)
LONCKE, DANIELLE LOPEZ GREEN,)
12 ADRIAN DRUMMOND-COLE, individually)
and on behalf of all others similarly situated,)

13 Plaintiffs,)

14 vs.)

15 CITY OF OAKLAND, COUNTY OF)
16 ALAMEDA, ANTHONY BATTS, HOWARD)
JORDAN, JEFF ISRAEL, ERIC BRESHEARS,)
17 EDWARD TRACEY, ANTHONY TORIBIO,)
DAVID DOWNING, ERSIE JOYNER, MIKE)
18 POIRIER, DARRIN ALLISON, GREGORY)
AHERN, individually and in their official)
19 capacities, and DOES 1-250, inclusive,)

20 Defendants.)
21

Case No.: C11-02867 TEH

STIPULATED ~~PROPOSED~~
SUPPLEMENTAL ORDER OF
EXONERATION AND TO SEAL AND
DESTROY ARREST RECORDS

Dept.: Courtroom 12, 19th Floor
Judge: Hon. Thelton Henderson

Complaint Filed: June 13, 2011

22 The undersigned, the attorneys for the parties herein, hereby stipulate as follows:

23 That they have reviewed the Proposed Supplemental Order of Exoneration and to Seal and
24 Destroy Records below and no party to this litigation objects to the Supplemental Order of
25 Exoneration.

1 DATED: September 26, 2013

2 BOORNAZIAN, JENSEN & GARTHE
3 A Professional Corporation

4
5 By: /s/ Gregory J. Rockwell
6 GREGORY J. ROCKWELL, ESQ.
7 Attorneys for Defendants
8 COUNTY OF ALAMEDA and
9 GREGORY AHERN

10 DATED: September 26, 2013

11 BARBARA J. PARKER, CITY ATTORNEY,
12 CITY OF OAKLAND

13 By: /s/ William E. Simmons
14 WILLIAM E. SIMMONS, ESQ.
15 Attorneys for Defendants
16 CITY OF OAKLAND, et al.

17 DATED: September 26, 2013

18 FLYNN LAW OFFICE

19 By: /s/ R. Michael Flynn
20 R. MICHAEL FLYNN, ESQ.
21 Attorneys for Plaintiffs
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1 Pursuant to the Stipulation of the City of Oakland and former Chief of Police Howard
2 Jordan on behalf of the arresting agency, the Oakland Police Department: this Court hereby
3 exonerates and finds SAMMIE JORDAN factually innocent of all charges for which he was
4 arrested by the Oakland Police on November 5, 2010.

5 Having found SAMMIE JORDAN to be factually innocent of the charges for which the
6 arrest was made, this Court orders Defendants, the California Department of Justice, and any other
7 law enforcement agency that participated in the arrest of JORDAN on November 5, 2010, to seal
8 all records of his arrest on November 5, 2010, and to destroy said records. Cal. Penal Code
9 § 851.8(b).

10 The destruction of arrest records pursuant to this Court's order

11 shall be accomplished by permanent obliteration of all entries or
12 notations upon the records pertaining to the arrest, and the record
13 shall be prepared again so that it appears that the arrest never
14 occurred. However, where (1) the only entries on the record pertain
to the arrest and (2) the record can be destroyed without necessarily
affecting the destruction of other records, the document constituting
the record shall be physically destroyed.

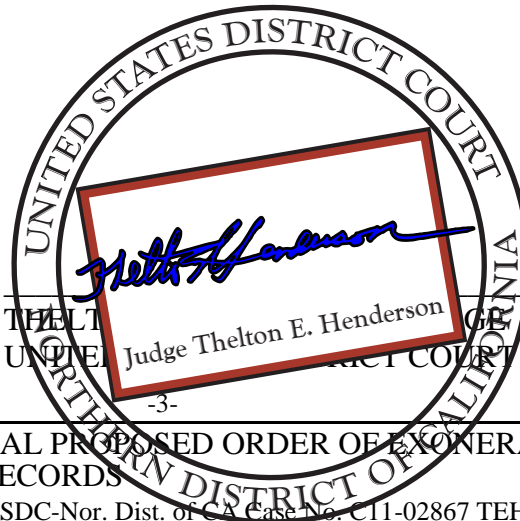
15 Cal. Penal Code § 851.8(j).

16 The arrest of SAMMIE JORDAN on November 5, 2010, is "deemed not to have occurred,"
17 and, pursuant to this Court's order, JORDAN "may answer accordingly any question relating to its
18 occurrence." Cal. Penal Code § 851.8(f).

19 Defendants are ordered to provide a copy of this order to the California Department of
20 Justice and to advise said agency of the fact that the records of SAMMIE JORDAN's arrest have
21 been rendered obsolete on the basis of a finding of factual innocence pursuant to California Penal
22 Code section 851.8.

23 IT IS SO ORDERED.

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25 Dated: 09/30/2013



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STIPULATION ON SUPPLEMENTAL PROPOSED ORDER OF EXONERATION AND TO
SEAL AND DESTROY ARREST RECORDS

Spalding, et al. vs. City of Oakland, et al.; USDC-Nor. Dist. of CA Case No. C11-02867 TEH