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10 Attorneys for Defendant

11 CITY AND COUNTY OF SAN FRANCISCO

12  
13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 JAMESON ASHLEY,

16 Plaintiff,

17 vs.

18 CITY AND COUNTY OF SAN  
FRANCISCO, MICHAEL HENNESSEY,  
19 individually and in his official capacity as  
Sheriff of the San Francisco County Sheriff's  
20 Department; and DOES 1 to 30,

21 Defendants.

Case No. CV12 0045 JSW

**~~PROPOSED~~ STIPULATED ORDER  
AUTHORIZING DISCOVERY OF  
CONFIDENTIAL CRIMINAL HISTORY  
INFORMATION IN THE POSSESSION OF  
DEFENDANT CITY AND COUNTY OF SAN  
FRANCISCO**

Date Action Filed: January 26, 2012

Trial Date: April 29, 2013

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24 **STIPULATION**

25 Pursuant to Federal Rule of Civil Procedure 26(c) the parties have met and conferred and  
26 stipulate as follows:

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1           1.       Good cause exists for the Court to authorize the parties to this action to receive certain  
2 “state summary criminal history information,” as defined in California Penal Code section 11105(a), in  
3 the possession of the City and County of San Francisco. Namely:

4           2.       Plaintiff Jameson Ashley contends, *inter alia*, that the Defendant City and County of  
5 San Francisco booked Plaintiff under the wrong name, which ultimately led to his being held in San  
6 Francisco County Jail for an extended period of time.

7           3.       In connection with the arrest and booking process in San Francisco, various documents  
8 are generated that contain information such as unique identifying information based on fingerprints  
9 and criminal histories. This information is used in connection with making identification and custody  
10 decisions and it is therefore relevant to Mr. Ashley's claims in this action. However, at least some of  
11 the information contained in these documents is or could be considered “state summary criminal  
12 history information,” is subject to protection under California law. Section 11142 of the California  
13 Penal Code makes it a misdemeanor to disclose state summary criminal history information to a  
14 person who is not authorized to receive such information. However, under section 11140 of the  
15 California Penal Code, a court may authorize persons to receive such information. Because good  
16 cause exists for discovery of the state summary criminal history information that was generated in  
17 connection with the subject arrests and bookings in this action, the parties respectfully request that the  
18 Court authorize San Francisco to disclose that information in discovery.

19           4.       State summary criminal history information produced in this action shall be treated as  
20 confidential information subject to the terms of the Stipulated Protective Order in this action.

21           IT IS SO STIPULATED.

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1 Dated: October 3, 2012

2 DENNIS J. HERRERA  
3 City Attorney  
4 CHERYL ADAMS  
5 Chief Trial Deputy  
6 PETER J. KEITH  
7 BRADLEY A. RUSSI  
8 LEILA K. MONGAN  
9 Deputy City Attorneys

10 By: /s/ Bradley A. Russi  
11 BRADLEY A. RUSSI

12 Attorneys for Defendant  
13 CITY AND COUNTY OF SAN FRANCISCO

14 Dated: October 3, 2012

15 SIMS, CURRAN & OCKEN

16 By: /s/ Stuart R. Curran  
17 STUART R. CURRAN, ESQ.

18 Attorneys for Plaintiff  
19 JAMESON ASHLEY

20 **ORDER**

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22 BASED ON THE ABOVE ENTERED STIPULATION, the City and County of San Francisco  
23 is authorized to release state summary criminal history information pursuant to the terms of the  
24 foregoing stipulation.  
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26 IT IS SO ORDERED.

27 Dated: October 2, 2012

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THE HONORABLE JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE