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21 Attorneys for Defendant

22 DINA HOLDER

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KEVIN PHELAN, CANEEL PHELAN, J.P., a  
minor by and through his guardian ad litem  
KEVIN PHELAN,  
  
Plaintiffs,  
  
v.  
  
DINA HOLDER, LAURI JAMES and DOES 1-  
30,  
  
Defendants.

No. C12-00465 LB  
  
**STIPULATION FOR ORDER  
DIRECTING PRODUCTION OF THE  
FILE OF THE BRENTWOOD POLICE  
DEPARTMENT**

IT IS HEREBY STIPULATED by and between the parties hereto that:

- 1. This action arises out of an incident involving plaintiff J.P. and Dina Holder, J.P.'s kindergarten teacher at Brentwood Union School District. District officials and the plaintiffs reported the incident to the Brentwood Police Department.
- 2. The Brentwood Police Department conducted an investigation, spoke to witnesses and prepared reports relating to its investigation. As a result of that investigation, Ms. Holder was prosecuted and plead nolo contendere under Penal Code 273a(b) (Cruelty to a Child)
- 3. Counsel for plaintiff has contacted the Brentwood Police Department and counsel for the City of Brentwood. The Department and the Police Department take the position, that they will not produce their police report on the incident in response to a Public Records Act request or to a subpoena. They contend that the reports and other materials relating to the investigation are confidential under the Child Abuse and Neglect Reporting Act. However, counsel for the City has stated that the Police Department will produce documents in response to a court order.
- 4. The parties have agreed to an early mediation in an attempt to resolve the litigation. Neither the School District nor the parents have ever seen any reports of the police investigation.
- 5. The parties respectfully request that the Court issue an order directing the Brentwood Police Department to release its entire file on the incident involving J.P. and Dina

1 Holder on May 25, 2010 directly to counsel for plaintiffs and the defendants. The parties agree  
2 that the materials will be used only for the purposes of this litigation and will not be disclosed to  
3 any party other than the parties, counsel, employees of the law firms representing the parties and  
4 consultants retained by the parties for this litigation.

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DATED: June 14, 2012

**STUBBS & LEONE**

By: \_\_\_\_\_/s/\_\_\_\_\_  
LOUIS A. LEONE, ESQ.  
CLAUDIA LEED, ESQ.  
Attorneys for Defendant LAURI JAMES

DATED: June 14, 2012

**HINTON ALFERT & KAHN LLP**

By: \_\_\_\_\_/s/\_\_\_\_\_  
PETER W. ALFERT, ESQ.  
Attorneys for Plaintiffs J KEVIN PHELAN,  
CANEEL PHELAN, J.P. a minor by and through  
his guardian ad litem KEVIN PHELAN

DATED: June 14, 2012

**DAVIS & YOUNG**

By: \_\_\_\_\_/s/\_\_\_\_\_  
MARK E. DAVIS, ESQ.  
Attorneys for Defendant DINA HOLDER

DATED: July 13, 2012

**BURKE, WILLIAMS & SORENSEN,**

By: Karen Murphy  
KAREN MURPHY, ESQ.  
Attorneys for the CITY OF BRENTWOOD

ORDER

**THE PARTIES HAVING STIPULATED THERETO AND GOOD CAUSE**

**APPEARING THEREFORE**, it is hereby ordered that the Brentwood Police Department release its entire file on the incident involving a minor J.P. and Dina Holder on May 25, 2010 directly to counsel for the parties. The materials obtained from the Department will be used only for the purposes of this litigation and will not be disclosed to any party other than the parties, counsel, employees of the law firms representing the parties and consultants retained by the parties for this litigation.

DATED: July 17, 2012



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U.S. MAGISTRATE JUDGE LAUREL BEELER

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