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8 Attorneys for Defendants
 CITY AND COUNTY OF SAN FRANCISCO,
 9 MATTHEW LOPEZ, and RICHARD HASTINGS

10
 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

13 THE ESTATE OF KENNETH HARDING Jr.;
 DENIKA CHATMAN, individually and as
 14 personal representative of the ESTATE OF
 KENNETH HARDING, Jr.

15 Plaintiffs,

16 vs.

17 CITY AND COUNTY OF SAN FRANCISCO,
 18 a municipal corporation;
 OFFICER MATTHEW LOPEZ individually
 19 and in his official capacity as a Police Officer
 for CITY AND COUNTY OF SAN
 20 FRANCISCO; OFFICER RICHARD
 HASTINGS individually and in his official
 21 capacity as a Police Officer for CITY AND
 COUNTY OF SAN FRANCISCO; DOES 1-50,
 22 inclusive; individually and in their official
 capacities as POLICE OFFICERS for CITY
 23 AND COUNTY OF SAN FRANCISCO,

24 Defendants.

Case No. C12-3978 EMC

**STIPULATION AND [PROPOSED] ORDER
 TO ALLOW RELEASE OF COPIES OF
 PHOTOGRAPHS DEPICTING MR.
 HARDING, JR. AFTER HE WAS DECEASED
 IN POSSESSION OF THE OFFICE OF THE
 MEDICAL EXAMINER AND/OR THE SFPD**

Trial Date: Not Set

1 **STIPULATION**

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

4 1. Pursuant to California Code of Civil Procedure Section 129, neither the Medical
5 Examiner’s Office nor the San Francisco Police Department may produce copies of autopsy or crime
6 scene photographs that depict any portion of a deceased person’s body other than for use in a criminal
7 prosecution without prior court authorization.

8 2. Pursuant to California Code of Civil Procedure Section 129, this stipulation has been
9 served on the San Francisco District Attorney’s Office at least 5 days in advance of this request being
10 filed with the Court.

11 2. Good cause exists for the Court to authorize the parties to this action to receive copies
12 of photographs from the Medical Examiner’s Office and/or the San Francisco Police Department that
13 depict Kenneth Harding, Jr. after he died (“Harding Photographs”) because those photographs may be
14 relevant to evaluating the cause of Mr. Harding’s death.

15 3. The parties therefore jointly request that the Court authorize the parties to this action to
16 receive copies of the Harding Photographs. The parties also agree that the Harding Photographs will
17 not be shown or distributed to any individual or entity that is not a party, or an expert retained by a
18 party, in this litigation, except as may be provided by a protective issued by this Court. Within 30 days
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1 upon completion of this litigation the Harding Photographs are to be returned to the City Attorney's
2 Office for destruction.

3 IT IS SO STIPULATED.

4 Dated: February 6, 2013

5 DENNIS J. HERRERA
6 City Attorney
7 CHERYL ADAMS
8 Chief Trial Deputy
9 BLAKE P. LOEBS
10 Chief of Civil Rights Litigation

11 By: /s/ Blake P. Loeb
12 BLAKE P. LOEBS
13 Attorneys for Defendants
14 CITY AND COUNTY OF SAN FRANCISCO,
15 MATTHEW LOPEZ, AND RICHARD HASTINGS

16 Dated: February 6, 2013

17 CARPENTER, ZUCKERMAN & ROWLEY, LLP

18 By: /s/ John C. Carpenter
19 JOHN C. CARPENTER
20 Attorneys for Plaintiffs,
21 THE ESTATE OF KENNETH HARDING Jr.;
22 DENIKA CHATMAN

23 *Pursuant to General Order 45, the electronic signatory of this documents attests that this individual
24 concurs in his electronic signature of this document. The actual signature page is on file.
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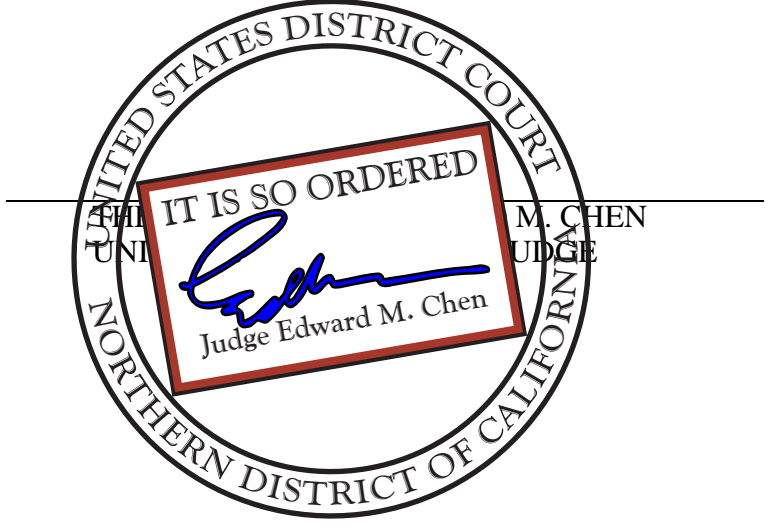
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ORDER

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED THAT BASED ON THE ABOVE ENTERED STIPULATION, the Medical Examiner’s Office and the San Francisco Police Department are authorized to release the Harding Photographs pursuant to the terms of the foregoing stipulation.

IT IS SO ORDERED

Dated: 2/12, 2013



1 **PROOF OF SERVICE**

2 I, Deborah Sanchez, declare as follows:

3 I am a citizen of the United States, over the age of eighteen years and not a party to the above-
4 entitled action. I am employed at the City Attorney’s Office of San Francisco, Fox Plaza Building,
1390 Market Street, Fifth Floor, San Francisco, CA 94102.

5 On February 6, 2013, I served the following document(s):

6 **STIPULATION AND [PROPOSED] ORDER TO ALLOW RELEASE OF COPIES OF
7 PHOTOGRAPHS DEPICTING MR. HARDING, JR. AFTER HE WAS DECEASED IN
POSSESSION OF THE OFFICE OF THE MEDICAL EXAMINER AND/OR THE SFPD**

8 on the following persons at the locations specified:

9 John C. Carpenter, Esq.	District Attorney’s Office
Carpenter, Zuckerman & Rowley, LLP	Hall of Justice
8827 West Olympic Blvd.	850 Bryant Street
Beverly Hills, CA 90211	San Francisco, CA 94103
<i>Attorney for Plaintiffs</i>	
Telephone: (310) 273-1230	
Facsimile: (310) 858-1063	
Email: john@czrlaw.com	

13 in the manner indicated below:

14 **BY UNITED STATES MAIL:** Following ordinary business practices, I sealed true and correct copies of
15 the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with
16 the United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's
Office for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed
for collection would be deposited, postage prepaid, with the United States Postal Service that same day.

17 I declare under penalty of perjury pursuant to the laws of the State of California that the
18 foregoing is true and correct.

19 Executed February 6, 2013, at San Francisco, California.

20 _____
21 DEBORAH SANCHEZ