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DATED: 7/18/2016

8 *Attorneys for Defendants CHP Officers Nibecker
and Wheeler*

9
 10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

12
13 **William Klamut,**

14 Plaintiff,

15 v.

16 **California Highway Patrol, et al.,**

17 Defendants.
18

Case No. 3:15-cv-02132 MEJ

STIPULATED PROTECTIVE ORDER

Courtroom: B, 15th Floor

Judge: The Honorable Maria-Elena James

Trial Date: March 6, 2017

Action Filed: May 11, 2015

19 The following Stipulated Protective Order shall govern the use and disclosure of the
 20 documents and materials listed herein, and any other documents that are designated “confidential”
 21 by the producing party.
 22

23 **ITEMS SUBJECT TO THIS STIPULATED PROTECTIVE ORDER**

- 24 • CHP 215 – Notice to Appear/POS
- 25 • CHP 180 – Vehicle Report
- 26 • CHP 36 – Evidence-Property Receipt no. E20130049
- 27 • CHP 36 – Evidence-Property Receipt no. E20130042-735
- 28

- 1 • CHP 216 – Arrest Investigation Report
- 2 • JUS 36 – Adult Disposition of Arrest
- 3 • HPM 70.6 Ch.1 re CEW and Less Lethal
- 4 • VCGCB claim
- 5 • VCGCB Board Claim Rejection Letter
- 6 • VCGCB Complex Issue Rejection Letter
- 7 • Monterey Co. Sheriff’s Crime/Incident Report
- 8 • Video of plaintiff in hospital
- 9 • 49 photographs
- 10 • Incident Detail Report
- 11 • Conductive energy Weapon – Area Field-Use Report (Wheeler)
- 12 • Conductive energy Weapon – Area Field-Use Report (Nibecker)
- 13 • CEW data printouts
- 14 • MVARs #1
- 15 • MVARs #2

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17 **TERMS AND CONDITIONS OF STIPULATED PROTECTIVE ORDER**

18 Production of the documents and materials listed above will be subject to the
19 following conditions and the Court’s Protective Order:

20 1. The documents, materials and their contents may be used by plaintiff and his
21 counsel only in this litigation and may not be used in separate proceedings or actions at this time
22 or in the future without first being obtained through proper discovery procedures or court orders
23 in those separate proceedings or actions.

24 2. The documents and their contents may not be disclosed, copied, distributed,
25 shown, described, or read to any person or entity (including, but not limited to, media
26 representatives) by plaintiff or his counsel, representatives or agents, other than (a) the parties to
27 this litigation; (b) the parties’ attorneys, paralegals, and legal office staff in this litigation; (c) the
28

1 parties' expert consultants in this litigation for purposes of expert consultation and trial
2 testimony preparation; and (d) the Court in this action, filed under seal, for purposes of this
3 litigation.

4 3. Plaintiff's expert consultants must sign an acknowledgment and agreement to be
5 bound by the terms of this Stipulation for Protective Order and Order, an executed copy of which
6 will be provided to defendant's counsel within seven (7) days after formal disclosure of such
7 consultants as expert witnesses in this litigation. The acknowledgment and agreement must
8 contain the following language:

9
10 "As an expert witness for the plaintiff in this lawsuit, I hereby acknowledge receipt of
11 a copy of the signed Stipulation for Protective Order and Order, approved and entered
12 by the Court in this action, and I agree to be bound by all terms and conditions in that
13 Protective Order and recognize that I may be personally found in contempt of Court
14 or subject to other sanctions determined by the Court should I violate any term or
15 condition in that Protective Order."

16 4. All documents and materials produced subject to this Stipulated Protective Order
17 will be clearly marked "Confidential" to indicate that they are subject to this Protective Order.

18 5. Except for documents and materials filed under seal by the court, all originals and
19 copies of documents and materials produced subject to this Stipulated Protective Order shall be
20 returned to defendant's counsel within ten (10) days after final termination of this litigation,
21 whether such termination occurs by settlement, judgment, dismissal, appeal or otherwise.

22 6. This Protective Order does not in any way affect or prejudice the right of any
23 party at the time of trial or other proceedings in this action to object to the admissibility of said
24 documents or materials at the trial or in other proceedings of this action.

25 7. Any writings or other documents stipulated in writing by the parties to be
26 confidential and subject to this Stipulated Protective Order, and produced subsequent to the date
27 this Protective Order is signed by the Court, shall also be subject to all the terms of this
28 Stipulated Protective Order.

8. If any party intends to file a motion that includes as an exhibit any writing(s)
subject to this Protective Order, that party shall meet and confer with the opposing party. If the

1 producing party maintains its position that the documents are confidential, the party intending to
2 file the documents must file a motion to file the documents under seal pursuant to Local Rule
3 79-5 of the Northern District of California.

4 9. Violation of this Protective Order by any party or any other person, including but
5 not limited to any party's expert witnesses and consultants, will result in sanctions to be
6 determined by the Court upon application by any other party.

7 10. This Stipulated Protective Order and the obligations of all persons subject to it,
8 including those relating to the disclosure and use of the materials specified herein, shall survive
9 the final termination of this case, whether such termination is by settlement, judgment,
10 dismissal, appeal or otherwise.

11 11. Nothing in this Stipulated Protective Order is intended to prevent authorized
12 individuals from having access to the documents and materials specified herein to which they
13 would have had access in the normal course of their duties.

14 **SO STIPULATED.**

15 Dated: July 15, 2016

16 */s/ Stanley Goff*

17 STANLEY GOFF
18 15 Boardman Place, Suite 2
19 San Francisco, CA 94103
20 *Attorneys for Plaintiff William Klamut*

21 Dated: July 13, 2016

22 Respectfully Submitted,

23 KAMALA D. HARRIS
24 Attorney General of California
25 JEFFREY R. VINCENT
26 Supervising Deputy Attorney General

27 */s/ Kimberly E. Speer*

28 KYMBERLY E. SPEER
Deputy Attorney General
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