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10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION

<p>14 ESTRELLA LYSANDRA ZAYAS, 15 Plaintiff, 16 v. 17 18 STATE OF CALIFORNIA, ET AL, 19 Defendants. 20</p>	<p>3:17-cv-02739 STIPULATION RE: ADDITIONAL CONFIDENTIAL MATERIALS; [Proposed] ORDER Courtroom: 5 Judge: The Honorable Edward M. Chen Trial Date: TBA Action Filed: May 11, 2017</p>
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 22 **RECITALS**

23 1. The parties previously stipulated to a Protective Order, which the Court signed and
 24 entered on August 14, 2017 (Docket No. 21.) Through an order dated September 14, 2017
 25 (Docket No. 32), additional CHP materials regarding training and policy were approved as
 26 "Confidential" and made subject to the Protective Order. Now, plaintiff's Requests for
 27 Production of Documents (Set One) propounded to each officer seek production of records
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1 relating to CHP's investigation of plaintiff's Citizen's Complaint regarding the underlying
2 incident of April 16, 2016.

3 2. Under Cal. Penal Code § 832.5, records relating to Citizen's Complaints from
4 which the officer is exonerated are deemed personnel records for purposes of the California
5 Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the
6 Government Code) and Section 1043 of the Evidence Code. Further, under Cal. Evid. Code
7 § 1043, "In any case in which discovery or disclosure is sought of peace or custodial officer
8 personnel records or records maintained pursuant to Section 832.5 of the Penal Code or
9 information from those records, the party seeking the discovery or disclosure shall file a written
10 motion with the appropriate court . . . upon written notice to the governmental agency which has
11 custody and control of the records."

12 3. Notwithstanding the absence of a written motion in compliance with Evid. Code
13 § 1043, in responding to plaintiff's document requests defendants are willing to produce records
14 from their confidential personnel files solely on condition that plaintiff stipulate that these records
15 are subject to the terms of the protective order previously entered on August 14, 2017. *See*
16 Docket No. 21 (stipulation and order).

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18 **STIPULATION**

19 Accordingly, the parties to this action, by and through their respective counsel, hereby
20 stipulate that the following writings shall be subject to the Protective Order (Docket 21):

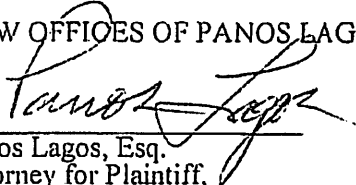
- 21
- 22 • CHP Citizen's Complaint Report by Lt. Gregory Saulman;
 - 23 • Complaint Transmittal (CHP 240G)
 - 24 • Complaint Investigation (CHP 240)
 - 25 • Summaries of interviews with Estrella Zayas, Officer Ortega and Officer
26 Brown.
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SO STIPULATED:

Dated: ^{Nov.} ~~October~~ 30, 2017

LAW OFFICES OF PANOS LAGOS


Panos Lagos, Esq.
Attorney for Plaintiff,
ESTRELLA LY SANDRA ZAYAS

Dated: October 25, 2017

Respectfully submitted,

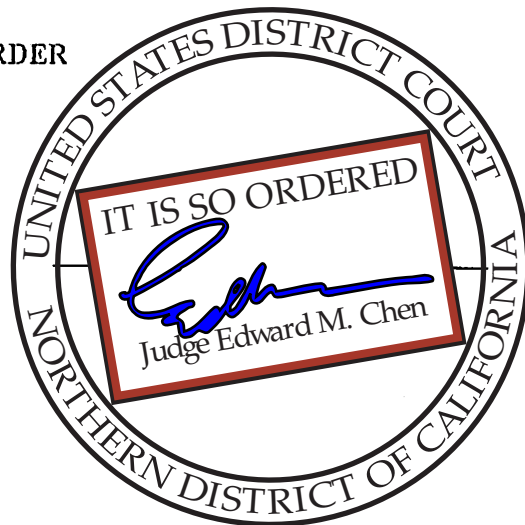
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ORDER

So ordered.
12/5/2017

Dated: ~~October~~, 2017



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