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16 Attorneys for Defendants CITY OF FREMONT
 17 FREMONT POLICE CHIEF CRAIG STECKLER, and
 18 OFFICERS TIMOTHY BALDOCCHI, TOM SEVERANCE,
 19 And MATTHEW SNELSON

20 UNITED STATES DISTRICT COURT
 21 NORTHERN DISTRICT OF CALIFORNIA

22 JOSE HIGAREDA GOMEZ,
 23 Plaintiff,

24 vs.

25 CITY OF FREMONT, CRAIG STECKLER,
 26 Individually and In His Capacity As the Fremont
 27 Police Chief; Officer TIMOTHY BALDOCCHI,
 28 Individually and In His Capacity As A Fremont
 Police Officer; Officer TOM SEVERANCE,
 Individually and In His Capacity As A Fremont
 Police Officer; and Officer MATTHEW
 SNELSON, Individually and In His Capacity As
 A Fremont Police Officer; DOES 1THROUGH
 20, INCLUSIVE,
 Defendants.

) Case No.: C07-00005 WDB

) STIPULATION AND PROTECTIVE ORDER

STIPULATION

1. The parties to the above-entitled action, by and through their counsel of record, hereby stipulate to the imposition of the attached protective order as to materials to be produced in discovery in this action from confidential police officer personnel file materials maintained by the defendant CITY OF FREMONT ("the CITY") regarding the individual police officer defendants herein, internal

1 affairs files, training materials, and as to names, addresses and telephone numbers of witnesses
2 disclosed by defendants, and other materials to which the parties may agree in writing.

3 The materials included in the above-mentioned protective order are as follows:

4 a. Any document which comprises an officer's confidential personnel file and which is
5 produced in discovery in the within matter from police personnel files maintained by
6 the defendant CITY, including: (1) Any Internal Affairs investigations and findings re
7 defendant officers BALDOCCHI, SEVERANCE and/or SNELSON conduct re the
8 subject incident; (2) Any Internal Affairs investigations and findings re any
9 complaints made against defendant officers BALDOCCHI, SEVERANCE and/or
10 SNELSON from five years before the subject incident to date, for excessive force,
11 taser use, canine use and misidentification of a suspect;

12 b. The names, addresses and telephone numbers of any civilian witnesses disclosed by
13 defendants in discovery;

14 c. Other materials that the parties agree in writing are to be covered by this Order.

15 All "confidential material" shall be designated by stamping or otherwise marking each such
16 document as follows:

17
18 **"CONFIDENTIAL MATERIAL SUBJECT TO PROTECTIVE ORDER"**

19
20 2. Confidential material shall be used solely in connection with the preparation and
21 litigation of the case in the within action (Case No. C07-00005 WDB) or in any related appellate
22 proceeding, and not for any other purpose, including any other litigation, without the express
23 approval of this court.

24
25 3. Confidential material may not be disclosed, except as is provided in paragraph 4,
26 below.

27
28 4. Confidential material may be disclosed only to the following persons: (a) counsel for
any party to this litigation; (b) paralegal, stenographic, clerical, and secretarial personnel regularly

1 employed by counsel for the parties in this litigation; (c) court personnel, including stenographic
2 reporters engaged in such proceedings as are necessarily incidental to preparation for trial in this
3 action; (d) any outside expert or consultant retained by any party to the action in connection with the
4 action, and not otherwise employed by either party; and, (e) any "in-house" expert designated by any
5 party to testify at trial in this matter.

6 Nothing in this paragraph (4) is intended to prevent officials or employees of the City of
7 Fremont, or other authorized government officials, from having access to the documents so
8 designated if they would have such access in the normal course of their job duties. Furthermore,
9 nothing herein prevents any witness from disclosing events or activities personal to him or her, that
10 is, a witness may disclose to others, without restriction under this order, information previously given
11 to the City of Fremont with respect to what he or she saw, heard, or otherwise sensed.

12
13 5. Each person to whom disclosure is made, with the exception of counsel, who are
14 presumed to know the contents of this protective order, shall be provided by the person furnishing
15 him or her "confidential material," as designated hereunder, with a copy of this order, and shall agree
16 on the record, in writing, that he or she has read this protective order and consents to be subject to the
17 jurisdiction of this court with respect to the enforcement of this order, including without limitation,
18 any proceeding for contempt. Unless such agreement is made on the record in this litigation, counsel
19 making the disclosure to any person described above shall retain the original executed copy of said
20 written agreement until final termination of this litigation.

21
22 6. At the conclusion of the trial in this matter, and of any appeal, or upon the termination
23 of this action by any other means, all confidential material received under the provisions of this order,
24 including any copies made thereof, shall be tendered back to the appropriate parties or their attorneys.
25 Provisions of this order, insofar as they restrict the disclosure and use of the material, shall remain in
26 full force and effect until further order of this court.

27
28 7. The foregoing is without prejudice to the right of any party to this action: (a) to apply
to the court for a further protective order relating to any confidential material or relating to discovery

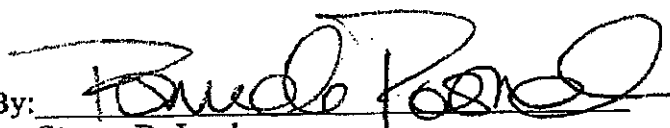
1 in this litigation; (b) to apply to the court for an order removing the confidential material designation
2 from any document; and, (c) to apply to the court for an order compelling production of documents or
3 for modification of this order or for any order permitting disclosure of confidential material beyond
4 the terms of this order.

5 Counsel for the parties to this action hereby declare that they have read the foregoing, that
6 they approve thereof as to form and content, and that, on behalf of their clients in this action, they
7 stipulate thereto.

8 SO STIPULATED.

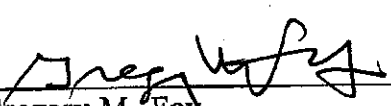
9
10 Dated: 9-26 2008

LAW OFFICES OF STEVEN R. JACOBSEN

11
12 By: 
13 Steven R. Jacobsen
14 Brenda D. Posada
15 Attorney for Plaintiff Jose Higareda Gomez

16 DATED: 9-26, 2008

BERTRAND, FOX & ELLIOT


17
18 By: 
19 Gregory M. Fox
20 Attorney for Defendants
21 CITY OF FREMONT, FREMONT POLICE
22 CHIEF CRAIG STECKLER, and
23 OFFICERS TIMOTHY BALDOCCHI, TOM
24 SEVERANCE, and MATTHEW SNELSON

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ORDER

Pursuant to the stipulation of the parties, and good cause appearing, IT IS SO ORDERED.

Dated: September 30, 2008



HONORABLE WAYNE D. BRAZIL
UNITED STATES DISTRICT COURT
MAGISTRATE JUDGE