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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IVANA KIROLA, *et al.*,

Plaintiffs,

vs.

THE CITY AND COUNTY OF SAN FRANCISCO (“the CITY”), *et al.*;

Defendants

Case No.: C07-3685 SBA

CLASS ACTION

**STIPULATION AND [PROPOSED]
 ORDER RE PRODUCTION AND
 CONFIDENTIALITY OF DOCUMENTS
 SUBJECT TO HEALTH & SAFETY
 CODE § 19851**

[Civil L.R. 6-3]

Courtroom: C, 15th Floor
Judge: Magistrate Judge Edward M. Chen

Trial Date: May 24, 2010
 Merits Discovery Cutoff: February 26, 2010
 Expert Discovery Cutoff: March 12, 2010
 Complaint Filed: July 17, 2007

1 WHEREAS, Plaintiffs have requested that the City produce certain documents, as specified in
2 a January 29, 2010 email from Guy B. Wallace to Elaine O'Neil and which include any permit
3 documents and approved plans (particularly the architectural drawings), for certain buildings or
4 facilities identified by Plaintiffs with respect to major projects since January 1993 of a valuation of
5 \$500,000;

6 WHEREAS, California Health & Safety Code section 19851 places certain restrictions on the
7 circumstances under which copies may be made of the official plans provided for under section
8 19850 that are required to be maintained by the building department of every city or county for the
9 buildings for which the department issues permits;

10 WHEREAS, California Health & Safety Code section 19851 specifically provides, as relevant
11 here, that such plans shall be open for inspection only on the premises of the building department and
12 may not be duplicated except (1) with the written permission of the licensed professional who signed
13 the original documents and the original or current owner of the building, or (2) by order of a proper
14 court; and

15 WHEREAS, the City considers it necessary, for security reasons, to provide for the
16 confidential treatment and limited reproduction of copies or print outs of plans, schematics, or
17 drawings of public buildings;

18 THEREFORE, IT IS HEREBY STIPULATED, by and between the parties to this action,
19 through their respective counsel, as follows:

20 1. The City, through its Department of Building Inspection (“DBI”), will make available to
21 Plaintiffs for inspection and copying, all final plans, building permits and as-built drawings for the
22 following buildings or facilities with respect to major projects since January 1993 of a valuation of
23 \$500,000 or more for which Plaintiffs have requested such documents:

- 24 Academy of Sciences
- 25 de Young Museum
- 26 Glen Park Canyon
- 27 Hamilton Playground
- 28 Howard and Langton Mini Park

- 1 Lessing and Sears Mini Park
- 2 Louis Sutter Playground
- 3 Strybring Arboretum
- 4 Minne and Lovie Ward Recreation Center
- 5 War Memorial Veteran's Building

6 2. To the extent that the parties agree or the Court orders that additional documents of the
7 same description need to be produced for the following facilities, this Stipulation and Proposed Order
8 shall also cover such documents for those facilities:

- 9 101 Grove
- 10 Chinatown Library
- 11 Excelsior Library
- 12 Glen Bark Library
- 13 Main Library

14 3. Such documents shall be made available during the regular business hours of DBI , i.e.
15 between 8 a.m. and 5 p.m. For documents available only on microfilm, DBI will identify and make
16 available all reels of 35mm microfilm on which the requested documents are contained. Plaintiffs
17 will provide their own microfilm reader, printer, and paper for printing documents from the microfilm
18 reader. For documents contained in DBI’s “PaperVision” database, DBI will provide access to a
19 computer and the database. DBI will also provide Plaintiffs with the same instructions for using this
20 database provided to members of the public who are given access to the database. Documents printed
21 from the database will be charged at the ordinary rate for documents requested by subpoena of:

- 22 \$5.25 per page for plans (11 x 14)
- 23 \$.20 per page for other documents (8.5 x 11)

24 Plaintiffs will pay DBI for the costs of printing these documents before they leave the premises
25 of DBI.

26 4. Plaintiffs agree that they will only copy or print out documents relating to the buildings or
27 facilities identified above in paragraph 1.

28

1 5. The City, through DBI, has gathered the final plans, building permits and as-built drawings
2 for each of the following buildings or facilities with respect to major projects since January 1993 of a
3 valuation of \$500,000 or more for which Plaintiffs have requested such documents, and will make
4 these documents available to Plaintiffs for inspection and copying:

5 War Memorial Opera House

6 Davies Symphony Hall

7 Conservatory of Flowers

8 Japanese Tea Garden

9 Eureka Valley Recreation Center

10 Sunnyside Conservatory

11 Joseph Lee Recreation Center and Playground

12 Sava Pool

13 Mission Pool

14 5. The official copy of the plans provided for under California Health and Safety Code section
15 19850 for any of the buildings or facilities for which Plaintiffs have requested such documents,
16 including any official copy of plans that have already been produced to Plaintiffs, may be duplicated
17 in whole or in part by Plaintiffs pursuant to this order. By obtaining this order, the City and DBI
18 comply with their obligations under California Health and Safety Code section 19851.

19 6. Any copies or printouts of plans, schematics, or drawings obtained by Plaintiffs, including
20 any plans, schematics, or drawings already gathered and/or produced by DBI, will be treated as
21 confidential by Plaintiffs, as follows:

22 a. Plaintiffs will maintain control over all such documents and will not provide
23 copies to other persons except as is reasonably necessary or appropriate in the
24 prosecution of this case.

25 b. If Plaintiffs make copies available to their experts, consultants or other
26 persons in the course of prosecution of this case they will do so under an
27 agreement that requires that those persons return or destroy the documents
28 when they no longer require their use for this case.

