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 8 California Highway Patrol Officer Dale Coppage

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 10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 12 OAKLAND DIVISION

13 **JOSEPH HALBLEIB,**  
 14  
 Plaintiff,  
 15  
 v.  
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**CALIFORNIA HIGHWAY PATROL**  
 17 **OFFICER DALE COPPAGE, DOES 1-50,**  
**inclusive,**  
 18  
 Defendants.  
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Case No. C 08-02657-CW  
**STIPULATION TO  
 PROTECTIVE ORDER, AND  
 ORDER THEREON**

20  
 21 **STIPULATION**

22 The parties to this action, by and through their respective counsel, hereby stipulate that  
 23 (a) the California Highway Patrol (“CHP”) documents in this case listed in defendant’s privilege  
 24 log as confidential or otherwise nondiscoverable, including confidential CHP personnel records  
 25 of defendant CHP Officer Dale Coppage; (b) CHP policies deemed sensitive for reasons of  
 26 officer safety and security; and (c) any other documents designated by stipulation of the parties  
 27 hereafter as subject to this Protective Order, may only be disclosed to the plaintiff and his  
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1 counsel in this litigation subject to the following conditions and the Court's Protective Order:

2 1. The documents and their contents may be used by plaintiff and his counsel only in  
3 this litigation and may not be used in separate proceedings or actions at this time or in the future  
4 without first being obtained through proper discovery procedures or court orders in those  
5 separate proceedings or actions.

6 2. The documents and their contents may not be disclosed, copied, distributed, shown,  
7 described, or read to any person or entity (including, but not limited to, media representatives) by  
8 plaintiff or his representatives or agents, other than (a) the parties to this litigation; (b) the  
9 parties' attorneys, paralegals, and legal office staff in this litigation; and (c) the parties' expert  
10 consultants in this litigation for purposes of expert consultation and trial testimony preparation.

11 3. The plaintiff's expert consultants must sign an acknowledgment and agreement to  
12 be bound by the terms of this Protective Order, an executed copy of which will be provided to  
13 defendant's counsel within seven (7) days after formal disclosure of such consultants as expert  
14 witnesses in this litigation. The acknowledgment and agreement must contain the following  
15 language:

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

20 4. All documents produced subject to this Stipulation and Protective Order and copies  
21 thereof will be clearly marked "Confidential" to indicate that they are subject to this Protective  
22 Order.

23 5. All documents produced subject to this Stipulation and Protective Order and copies  
24 thereof must be returned to defendant's counsel upon the termination of this litigation.

25 6. This Protective Order does not in any way affect or prejudice the right of any party  
26 at the time of trial or other proceedings in this action to object to the use or admissibility of said  
27 documents at the trial or in other proceedings.

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1           7. Nothing contained in this Protective Order shall prohibit the parties' attorneys from  
2 using or referring to any information designated as confidential and disclosed pursuant to this  
3 Protective Order in motion papers or pleadings filed with the Court, provided that adequate  
4 provision is made to protect the confidentiality of the protected information. Any such  
5 confidential documents or portions thereof, or papers or pleadings referencing any such  
6 confidential information protected by this Protective Order, shall be lodged with the Court for  
7 filing under seal pursuant to the Court's rules and procedures (see Civil L.R. 79-5). For  
8 purposes of any deadline, the date of lodging said papers, pleadings, or documents shall be  
9 deemed the date of filing.

10           8. Violation of this Protective Order by plaintiff or any other person, including but not  
11 limited to plaintiff's expert witnesses and consultants, will result in sanctions to be determined  
12 by the Court upon application by defendant.

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14           SO STIPULATED:

15  
16 Dated: January 2009

EDMUND G. BROWN JR.  
Attorney General of the State of California  
TYLER B. PON  
Supervising Deputy Attorney General

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DAVID W. HAMILTON  
Deputy Attorney General

21 Attorneys for Defendant  
22 California Highway Patrol Officer Dale Coppage

23 Dated: January 2009

BONJOUR, THORMAN, BARAY & BILLINGSLEY

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CAMELLIA BARAY, ESQ.

27 Attorney for Plaintiff Joseph Halbleib  
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**ORDER**

Upon good cause shown, the above Stipulation of the parties is hereby approved  
and made the Order of this Court.

DATED: 2/11/09 \_\_\_\_\_



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HON. CLAUDIA WILKEN  
United States District Judge