

ARTURO J. GONZÁLEZ (CA SBN 121490)  
KENNETH W. BRAKEBILL (CA SBN 196696)  
NATALIE NAUGLE (CA SBN 240999)  
SARINA SALUJA (CA SBN 253781)  
MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, California 94105-2482  
Telephone: (415) 268-7000  
Facsimile: (415) 268-7522

Attorneys for Plaintiffs

MICHAEL C. SERVERIAN (CA SBN 133203)  
RANKIN, LANDSNESS, LAHDE, SERVERIAN & STOCK  
96 No. Third Street, Suite 500  
San Jose, California 95112  
Telephone: (408) 293-0463  
Facsimile: (408) 293-9514

Attorney for Defendants

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARIA MEDINA, et al.,

Plaintiffs,

v.

CITY OF MENLO PARK, et al.,

Defendants.

Case No. CV 08-3946 WDB

**STIPULATION AND ~~PROPOSED~~  
PROTECTIVE ORDER  
REGARDING DISCLOSURE OF  
CONFIDENTIAL INFORMATION**

**Complaint Filed: August 18, 2008**

**Trial Date: August 11, 2009**

WHEREAS, the Parties believe, in good faith, that certain of the documents requested and to be produced in the course of this litigation contain information that is: (a) confidential, sensitive, or potentially invasive of an individual's privacy interests; (b) not generally known; and (c) not normally revealed to the public or third parties or, if disclosed to third parties, would require such third parties to maintain the information in confidence;

1 IT IS HEREBY STIPULATED, by, among and between the parties hereto through their  
2 counsel of record that any information, document or thing produced in connection with this  
3 litigation that is reasonably believed to contain private and/or confidential material may be  
4 designated as "Confidential" by the producing party and produced subject to the following  
5 Protective Order:

6 1. The disclosed documents shall be used solely in connection with the civil case of  
7 *Medina, et al. v. City of Menlo Park, et al.*, Case No. CV 08-3946 WDB, and in the preparation  
8 and trial of this case, or any related proceeding.

9 2. The party producing the documents and materials described above may designate  
10 those materials by affixing a mark labeling them as "Confidential." If any "Confidential"  
11 materials cannot be labeled with the aforementioned marking, those materials shall be placed in a  
12 sealed envelope or other container that is in turn marked "Confidential" in a manner agreed upon  
13 by the disclosing and requesting parties.

14 3. Documents or materials designated under this Protective Order as "Confidential"  
15 may only be disclosed to the following persons:

16 a) Counsel for Plaintiffs MARIA MEDINA, WALTER CAMPOS, HECTOR  
17 LUIS VALENCIA, JAVIER ANGUIANO, SAMUEL SALGADO, RODOLFO MEDINA, JOEL  
18 ANTONIO VASQUEZ-MEDINA, JOSE JESUS ESPINOSA, FRANCISCO LEON, OSCAR  
19 CAMPOS;

20 b) Counsel for Defendants CITY OF MENLO PARK; JONATHAN  
21 BAXTER, NICHOLAS DOUGLAS, RONALD PRICKETT, THOMAS CRUTCHFIELD, and  
22 JOHSUA VENZON;

23 c) Paralegal, clerical, and secretarial personnel regularly employed by counsel  
24 referred to in subparts (a) and (b) directly above, including deposition reporters or videographers  
25 retained in connection with this action;

26 d) Court personnel including court reporters or videographers engaged in  
27 proceedings as are necessarily incidental to the preparation for the trial of the civil action;

28 e) Any expert or consultant retained in connection with this action;

1           f)     The finder of fact at the time of trial, subject to the court's rulings on *in*  
2     *limine* motions and objections of counsel;

3           g)     Plaintiffs MARIA MEDINA, WALTER CAMPOS, HECTOR LUIS  
4     VALENCIA, JAVIER ANGUIANO, SAMUEL SALGADO, RODOLFO MEDINA, JOEL  
5     ANTONIO VASQUEZ-MEDINA, JOSE JESUS ESPINOSA, FRANCISCO LEON, OSCAR  
6     CAMPOS, to the extent reasonably necessary to assist their counsel in this litigation or for their  
7     counsel to advise them with respect to the litigation. Plaintiffs are not to disclose "Confidential"  
8     information or materials to any other persons without prior court permission or by prior  
9     stipulation by the City; and

10          h)     Defendants CITY OF MENLO PARK, JONATHAN BAXTER,  
11     NICHOLAS DOUGLAS, RONALD PRICKETT, THOMAS CRUTCHFIELD, and JOHSUA  
12     VENZON, to the extent reasonably necessary to assist their counsel in this litigation or for their  
13     counsel to advise them with respect to the litigation. Defendants are not to disclose  
14     "Confidential" information or materials to any other persons without prior court permission or by  
15     prior stipulation by the City.

16          4.     All documents or materials designated as "Confidential" pursuant to this  
17     Protective Order, and all papers or documents containing information or materials designated as  
18     "Confidential," that are filed with the Court for any purpose shall be filed and served under seal.

19          5.     The designation of information as "Confidential," and the subsequent production  
20     thereof, is without prejudice to the right of any party to oppose the admissibility of the designated  
21     information.

22          6.     A party may apply to the Court for an order that information or materials labeled  
23     "Confidential" are not, in fact, confidential. Prior to so applying, the party seeking to reclassify  
24     "Confidential" information shall meet and confer with the producing party. Until the matter is  
25     resolved by the parties or the Court, the information in question shall continue to be treated  
26     according to its designation under the terms of this Order. The producing party shall have the  
27     burden of establishing the propriety of the "Confidential" designation. A party shall not be  
28

1 obligated to challenge the propriety of a confidentiality designation at the time made, and a  
2 failure to do so shall not preclude a subsequent challenge thereto.

3 7. Each person to whom disclosure is made, with the exception of counsel, and its  
4 paralegal, clerical, and secretarial personnel, who are presumed to know the contents of this  
5 Protective Order, shall, prior to the time of disclosure, be provided by the person furnishing him  
6 or her such material, a copy of this Protective Order. Each person to whom disclosure is made  
7 shall agree on the record or in writing that he/she has read the Protective Order and he/she  
8 understands the provisions of the Protective Order. Such person must also consent to be subject  
9 to the jurisdiction of the United States District Court, Northern District of California, with respect  
10 to any proceeding related to enforcement of this Protective Order, including without limitation,  
11 any proceeding for contempt. Counsel making disclosure to any person as described herein above  
12 shall retain an original executed copy of a Declaration Regarding Confidentiality (Ex. "A" to this  
13 Order) agreeing to be bound by this Order signed by the person to whom disclosure is made.  
14 Provisions of this Protective Order, insofar as they restrict disclosure and use of the material, shall  
15 be in effect until further order of this Court.

16 8. The restrictions on the use of "Confidential" information established pursuant to  
17 this Order do not apply to the party, person, or entity producing such material.

18 9. After the conclusion of this litigation, all "Confidential" information received  
19 under the provisions of this Protective Order, including all copies made, shall be tendered back to  
20 the producing party, person, or entity or, at the direction of the producing party, destroyed. The  
21 Parties will also ensure that persons to whom "Confidential" information was disclosed shall  
22  
23  
24  
25  
26  
27  
28

1 either destroy all such documents or return them to the producing party. The conclusion of this  
2 litigation means a termination of the case following applicable post-trial motions, appeal and/or  
3 retrial.

4 Dated: January 7, 2009

Respectfully submitted,

5 ARTURO J. GONZÁLEZ  
6 KENNETH W. BRAKEBILL  
7 NATALIE NAUGLE  
8 SARINA SALUJA  
9 MORRISON & FOERSTER LLP

10 By: /s/ Natalie Naugle  
11 Natalie Naugle

Attorneys for Plaintiffs

12 Dated: January 7, 2009

13 MICHAEL C. SERVERIAN  
14 RANKIN, LANDSNESS, LAHDE,  
15 SERVERIAN & STOCK

16 By: /s/ Michael C. Serverian  
17 Michael C. Serverian

Attorney for Defendants

18 IT IS SO ORDERED.

19

20 Dated: 1-8-09

21 By: Wayne D. Brazil  
22 Judge Wayne D. Brazil

23

24

25

26

27

28