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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

MONICA HOLMES,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

No. C 08-5619 PJH (EMC)

**STIPULATION AND ~~PROPOSED~~  
PROTECTIVE ORDER RE:  
CONFIDENTIALITY OF SAN  
FRANCISCO POLICE DEPARTMENT  
PHOTOGRAPHS SHOWING BODY OF  
MONTY HOLMES**

Subject to the approval of this Court, plaintiff MONICA HOLMES and defendant UNITED STATES OF AMERICA (collectively the "Parties"), by and through their undersigned counsel, hereby stipulate to the following protective order:

**STIPULATED ORDER**

For the purposes of this stipulation, all documents produced or obtained in this litigation from

1 the San Francisco Police Department (“SFPD”) in response to discovery requests made under the  
2 Federal Rules of Civil Procedure or made pursuant to any disclosure requirement that include  
3 photographs showing the body of Monty Holmes at the scene of the accident at issue in this case  
4 (the “Photographs”) shall be subject to the following restrictions:

5 1. The SFPD shall carefully black out the body of Monty Holmes, and only the body of  
6 Monty Holmes, from the Photographs, so that the Parties can still see the outline of the body and  
7 its precise location at the scene of the accident;

8 2. The Photographs and the information contained therein shall be used only for purposes of  
9 this litigation and not for any other purpose;

10 3. Neither the Photographs nor the information contained therein shall be disclosed to  
11 anyone other than (a) the defendant’s attorney and the attorney’s staff; (b) the plaintiff’s attorney  
12 and the attorney’s staff; (c) the parties; (d) actual or potential third-party witnesses; (e) outside  
13 experts or consultants retained by any of the parties or their counsel for purposes of this  
14 litigation; (f) professional vendors to whom disclosure is reasonably necessary for this litigation;  
15 (g) the Court and its staff, in further proceedings herein; (h) stenographic deposition reporters;  
16 and (i) other persons whom the parties mutually agree upon in writing;

17 4. There shall be no reproduction of the Photographs, except that, as required by the  
18 litigation, copies, excerpts, or summaries may be shown to those authorized in Paragraph 2;

19 5. Except as otherwise provided in Paragraphs 2 and 3, all of the Photographs shall remain  
20 in the custody of defendant’s attorney during the pendency of the litigation;

21 6. Upon final determination of this litigation, including all appeals, all of the Photographs,  
22 including copies, extracts or summaries thereof, shall either be destroyed or returned to the party  
23 or person furnishing the same. Notwithstanding this paragraph, however, the defendant’s  
24 attorney may retain one copy of each pleading and other document filed with the Court that  
25 contains any of the Photographs covered by this Order. Furthermore, nothing in this paragraph  
26 shall be construed to require defendant or defendant’s attorney to turn over any attorney work-  
27 product; and

28 7. This Stipulation and Protective Order is without prejudice to the right of any party to seek

1 modification of it from the Court. It shall remain in effect until such time as it is modified,  
2 amended or rescinded by the Court and shall survive termination of this action. The  
3 Court shall have continuing jurisdiction to modify, amend, or rescind this Stipulation and  
4 Protective Order notwithstanding the termination of this action.

5  
6 **IT IS SO STIPULATED.**

7 JOSEPH P. RUSSONIELLO  
8 United States Attorney

9 March 24, 2010

10 /s/  
11 THOMAS R. GREEN  
12 Assistant United States Attorney  
13 Attorneys for Defendant

14 March 23, 2010

15 /s/  
16 DAVID BAUM  
17 BAUM & BLAKE  
18 Attorney for Plaintiff

19 **PURSUANT TO STIPULATION, APPROVED AND SO ORDERED.**

20 DATED: 3/26/10

21 EDWARD M. CHEN  
22 United States Magistrate Judge

