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

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 13 **KEVIN MARILLEY; SALVATORE  
 PAPETTI; SAVIOR PAPETTI, on behalf of  
 14 themselves and similarly situated,**

15 Plaintiffs,

16 v.

17 **CHARLTON H. BONHAM, in his official  
 18 capacity;**

19 Defendant.  
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11-CV-2418-DMR

**STIPULATION AND ~~PROPOSED~~  
 PROTECTIVE ORDER REGARDING  
 DELIBERATIVE DISCOVERY  
 DOCUMENTS**

Judge The Honorable Donna M. Ryu

Trial Date: September 3, 2013  
 Action Filed: May 18, 2011

21 **RECITALS**

22 WHEREAS, pursuant to the Court's September 19, 2012, ruling on Plaintiffs' motion to  
 23 compel (Doc. 102), Defendant has produced all deliberative documents identified on its privilege  
 24 log.

25 WHEREAS, Defendant has produced additional documents similar to those identified on  
 26 Defendant's privilege log, including but not limited to numerous draft enrolled bill reports and  
 27 bill analyses, staff notes, and e-mails regarding proposed legislation.

1 WHEREAS, Defendant has produced the above identified documents with a “Subject to  
2 Protective Order” seal.

3 WHEREAS, Defendant has an interest in maintaining the confidentiality of the above  
4 identified documents and any further deliberative documents he produces.  
5

6 **STIPULATION**

7 ACCORDINGLY, THE PARTIES STIPULATE AND AGREE AS FOLLOWS:

8 1. Plaintiffs shall use documents produced by Defendant with the seal “Subject to  
9 Protective Order” solely and exclusively for the purposes of this litigation and any subsequent  
10 appeal and for no other purpose whatsoever, and shall in no event use such documents for any  
11 subsequent business, competitive, personal, private, public, or other purpose, except as required  
12 by law.

13 2. Any person to whom Plaintiffs’ attorneys show or provide copies of the documents  
14 described in paragraph 1 above must receive a copy of this Order and sign the Certification,  
15 attached hereto as Exhibit A, before being shown or receiving the documents described in  
16 paragraph 1 above.

17 3. Paragraph 2 does not apply (a) to Department of Fish and Game employees, or (b) to  
18 witnesses being shown the documents only at deposition. To the extent documents are shown to  
19 witnesses only at deposition, Plaintiffs’ attorneys shall advise the witness of the confidential  
20 nature of these documents, and the restrictions placed on revealing and/or discussing such  
21 documents with persons who are not subject to and/or in compliance with the terms of this Order.  
22 The handling at trial of documents identified in paragraph 1 shall be governed by applicable legal  
23 authorities.

24 4. Any person being shown or receiving documents described in paragraph 1 above shall  
25 not reveal to or discuss such documents with any person who is not subject to, and in compliance  
26 with, the terms of this Order. This provision shall continue to be binding after conclusion of this  
27 action.

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1           5.     Plaintiffs' attorneys certify that procedures are in place at their firm, offices or other  
2 places where they conduct business, as well as at their residences if they take the documents  
3 home in any form, to prevent unauthorized disclosure of the documents.

4           6.     Plaintiffs' attorneys certify that they will maintain the original Certifications signed  
5 pursuant to this protective order.

6           7.     Within 60 days after the conclusion of this litigation, including any appeal, Plaintiffs  
7 attorneys shall destroy all documents in their possession identified in paragraph 1.

8           8.     This Protective Order does not limit or supersede the protective orders entered in this  
9 case on December 1, 2011 (Doc. 57) and March 30, 2012 (Doc. 86).

10          9.     Nothing herein shall be deemed to waive any applicable privilege or work product  
11 protection, or to affect the ability of Defendant to seek relief for an inadvertent disclosure of  
12 material protected by privilege or work product protection.

13 Dated: November 6, 2012

KAMALA D. HARRIS  
Attorney General of California  
ROBERT W. BYRNE  
Supervising Deputy Attorney General

*/s/ Cecilia L. Dennis*  
CECILIA L. DENNIS  
Deputy Attorney General  
*Attorneys for Defendant*

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20 Dated: November 6, 2012

GROSS LAW

*/s/ Stuart G. Gross*

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*/s/ Jared M. Galanis*

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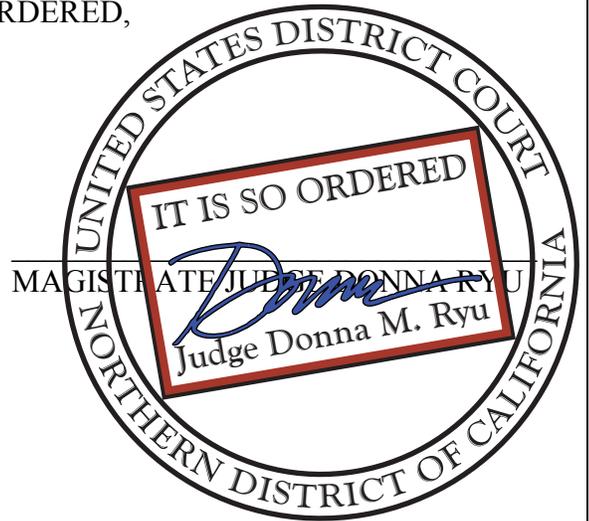
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*Counsel for Plaintiffs and Class*

PURSUANT TO STIPULATION, IT IS SO ORDERED,

November 13, 2012

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**EXHIBIT A**

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

**KEVIN MARILLEY; SALVATORE  
PAPETTI; SAVIOR PAPETTI, on behalf of  
themselves and similarly situated,**

11-CV-2418-DMR

Plaintiffs,

**CERTIFICATION**

v.

**CHARLTON H. BONHAM, in his official  
capacity;**

Defendant.

I hereby certify my understanding that documents with the seal “Subject to Protective Order” (hereinafter “Protected Documents”) are being provided to me pursuant to the terms and restrictions of the Protective Order Regarding Deliberative Discovery Documents in the above matter (hereinafter “Protective Order”). I have been given a copy of the Protective Order and read it. I agree to be bound by the Protective Order. I will not reveal the Protected Documents to anyone, except as allowed by the Protective Order. I will maintain all such Protected Documents—including copies, notes, or other transcriptions made therefore—in a secure manner to prevent unauthorized access to them. If any Protected Documents are lost, stolen or misplaced while in my custody, I will immediately notify counsel who provided me with the documents. No later than 30 days after the conclusion of this action, I will return the Protected Documents—including copies, notes, or other transcriptions made—to counsel who provided me with the documents. I hereby

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consent to the jurisdiction of the United States District Court for the Northern District of California for the purpose of enforcing the Protective Order.

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Dated: \_\_\_\_\_