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8  
 9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN JOSE DIVISION

12  
 13 AMMIR UMAR,

14 Plaintiff,

15 v.

16 CRAIG STORLIE, INDIVIDUALLY AND  
 AS AN OFFICER OF THE SAN JOSE  
 17 POLICE DEPARTMENT, and DOES 1-20,  
 inclusive,

18 Defendants.  
 19

Case Number: CV12-6071 HRL

**STIPULATION; AND ~~PROPOSED~~  
 ORDER UNSEALING CRIMINAL  
 RECORDS PURSUANT TO PENAL  
 CODE SECTION 851.8(k)**

**Trial Date: None Set**

20 Plaintiff Ammir Umar (“Plaintiff”) and Defendant Craig Storlie (“Defendant”) in the  
 21 above-entitled matter hereby stipulate and jointly request that the Court grant an Order to  
 22 unseal Ammir Umar’s criminal records pursuant to Penal Code Section 851.8(k). In support of  
 23 this stipulation, the parties hereby submit the following as good cause for granting this  
 24 request:

25 1. Whereas, the sealed criminal record in *People v. Umar* [California Superior  
 26 Court, County of Santa Clara, docket no: C1087562] that is the subject of this litigation is not  
 27 part of the record lodged with this court and is currently unavailable to Defendant;

1           2.       Whereas, the current civil action before this court involves multiple claims for  
2 relief brought forth by Plaintiff, due to the alleged mishandling of a criminal investigation and  
3 subsequent criminal prosecution. The criminal investigation and criminal prosecution which  
4 ultimately resulted in Plaintiff being found factually innocent by the state criminal trial court can  
5 be found within the sealed criminal file of *People v. Umar*;

6           3.       Whereas, the sealed criminal record of *People v. Umar* contains materials that  
7 are relevant to the resolution of all legal claims asserted by Plaintiff against Defendant in the  
8 present action before this court. The materials within the sealed criminal record will provide  
9 the court with original observations, reports, witness statements, and other evidence. Both  
10 parties would use the aforementioned materials to conduct a thorough investigation of the  
11 allegations in the civil complaint. In turn, this court would benefit from a more complete factual  
12 record that would promote a more accurate determination of the truth of the claims asserted in  
13 this case. Thus, there exists an overwhelming public interest in allowing the parties to the suit  
14 presently before this court to have access to the sealed criminal file;

15           4.       Whereas, without an order of this court to unseal the criminal record of *People v.*  
16 *Umar*, the parties in the pending civil case would be improperly restricted from the use of  
17 evidence that should be made available under statute upon a showing of good cause. If  
18 denied access to the materials in the sealed criminal file, a substantial probability exists that  
19 the public interest would be prejudiced through an incomplete factual inquiry into the  
20 circumstances that gave rise to the action before this court. The overriding public interest in  
21 this court's ability to conduct a full inquiry into the allegations of the pending civil case coupled  
22 with the presumption in favor of public access to the record supports the unsealing of the  
23 requested criminal record;

24           5.       Whereas, a complete copy of the sealed criminal record is necessary for use by  
25 both parties in the case currently before the court as all of the materials within the sealed file  
26 are able to be used as evidence in this civil action. No less restrictive means of unsealing exist  
27 as other possible options in the case at hand. CA Pen. Code, section 851.8(k); and

28

1 6. Whereas, if the sealed criminal file of *People v. Umar* is unsealed on order of this  
2 court, the file should be unsealed for purposes of this civil action only. The file shall remain  
3 confidential and shall be available for inspection only by the court, jury, parties, counsel for the  
4 parties, and any other person authorized by this court. CA Pen. Code, section 851.8(k).


5 **IT IS SO STIPULATED:**

6 DATED: September 27, 2013 RICHARD DOYLE, City Attorney  
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8  
9 By: /s/ SHANNON SMYTH-MENDOZA  
10 Senior Deputy City Attorney  
11 Attorneys for Defendant CRAIG STORLIE;  
12 individually and as an Officer of the  
13 SAN JOSE POLICE DEPARTMENT

14 DATED: September 27, 2013 LAW OFFICES OF MORALES & LEAÑOS  
15  
16 By: /s/ JAIME A. LEANOS  
17 Attorneys for Plaintiff  
18 AMMIR UMAR

19  
20 **ORDER**

21 Based upon the Stipulation of the parties, and good cause appearing therefor, the  
22 Court hereby Orders that the criminal records in *People v. Umar* be unsealed for the purpose  
23 of providing a copy to Defendant Craig Storlie in the above-entitled action.

24  
25 Dated: October 8, 2013  
26   
27 HONORABLE HOWARD R. LLOYD  
28 UNITED STATES DISTRICT COURT