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FILED

2009 FEB -4 AM 10:45

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY _____ DEPUTY

6 Attorneys for Defendants
 City of San Diego, San Diego Police Department,
 7 William Lansdowne, Michael Gottfried,
 Brian Lenahan, Benjamin Douglas
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9 UNITED STATES DISTRICT COURT
 10 SOUTHERN DISTRICT OF CALIFORNIA

(Honorable Irma E. Gonzalez)

11 ESTATE OF ALAN KOSAKOFF, by its)
 12 personal representative HAROLD KOSAKOFF,)
 ARLENE KOSAKOFF, an individual,)
 13 HAROLD KOSAKOFF, an individual,)

Case No. 08cv1819 IEG (NLS)

14 Plaintiffs,

JOINT MOTION FOR PROTECTIVE ORDER AND ORDER THEREON

15 v.

16 CITY OF SAN DIEGO, a municipal)
 corporation, SAN DIEGO POLICE)
 17 DEPARTMENT, WILLIAM LANDSDOWNE,)
 an individual, Officer Gottfried, an individual,)
 18 Officer Lenahan, an individual, Officer Douglas,)
 an individual, and DOES 1-100 inclusive,)

19 Defendants.
20

21 Subject to the approval of the court, the City Attorney's Office agrees to the release of
 22 certain documents enumerated below, related to the litigation of this matter, subject to the parties
 23 stipulating to the following protective order.

24 Further, subject to public policy, and further court order, nothing shall be filed under seal,
 25 and the court shall not be required to take any action, without separate prior order by the Judge
 26 before whom the hearing or proceeding will take place, after application by the affected party
 27 with appropriate notice to opposing counsel.

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1 1. The City will produce, for plaintiff, investigative reports generated by the San
2 Diego Police Department, concerning the contact with decedent on August 25, 2007, which is the
3 subject of this lawsuit. As to those documents only, the San Diego Police Department, Officers
4 Michael Gottfried, Brian Lenahan and Benjamin Douglas will waive the executive and official
5 information privileges as well as their rights to privacy pursuant to the California Constitution.

6 2. Defendants will produce, for plaintiff, all other documents as ordered by this Court
7 and/or by agreement of the parties.

8 3. Plaintiff, their agents, employees, attorneys and anyone acting in concert with
9 them and participating with them agree to not engage in nor perform any of the following:

10 a. Convey, transfer, copy, publish or distribute the information ordered
11 disclosed or developed nor authorize another to convey, transfer, copy, publish or distribute the
12 information disclosed to anyone other than plaintiffs expert, investigator or client without court
13 approval.

14 b. Use the records or information disclosed, discovered or developed for any
15 purpose other than in conjunction with the instant civil case proceedings pursuant to applicable
16 law.

17 4. That Plaintiff's attorney, upon request, shall return any and all materials disclosed
18 pursuant to this stipulation and order to Donald F. Shanahan, Chief Deputy City Attorney, 1200
19 Third Avenue, Suite 1100, San Diego, California, immediately upon final disposition of this case.

20 5. That, upon the conclusion of the case, the court shall retain jurisdiction to resolve
21 any disputes arising out the release of any documents protected by this order.

22 6. That the Court has the authority to modify, at any time, the terms of this protective
23 order on public policy grounds.

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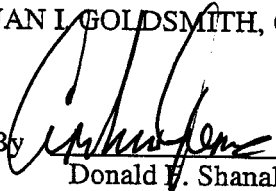
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7. That no documents will be presented to the Court, under seal, without first obtaining Court approval.

SO STIPULATED.

Dated: January 28, 2009

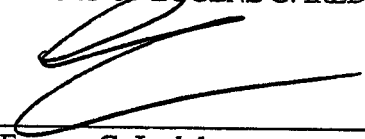
JAN I GOLDSMITH, City Attorney

By  For Donald F. Shanahan
Donald F. Shanahan
Chief Deputy City Attorney

Attorneys for Defendants
City of San Diego, San Diego Police
Department, William Lansdowne, Michael
Gottfried, Brian Lenahan, Benjamin Douglas

Dated: January 28, 2009

LAW OFFICES OF EUGENE G. IREDALE

By 
Eugene G. Iredale

Attorneys for Plaintiffs
Estate of Alan Kosakoff, by its Personal
Representative Harold Kosakoff, Arlene
Kosakoff, and Harold Kosakoff

APPROVED AND SO ORDERED.

Dated: 2-3-09



HON. IRMA E. GONZALEZ
Chief Judge
Southern District of California

**NITA L. STORMES
U.S. MAGISTRATE JUDGE**