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21 **UNITED STATES DISTRICT COURT**
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23 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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25 **AND THE NORTHERN DISTRICT OF CALIFORNIA**
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27 **UNITED STATES DISTRICT COURT COMPOSED OF THREE JUDGES**
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29 **PURSUANT TO SECTION 2284, TITLE 28 UNITED STATES CODE**

30 RALPH COLEMAN, et al., 31 Plaintiffs, 32 v. 33 ARNOLD SCHWARZENEGGER, et al., 34 Defendants.	35 No. 2:90-cv-00520 LKK JFM P 36 <u>THREE-JUDGE COURT</u>
37 MARCIANO PLATA, et al., 38 Plaintiffs, 39 v. 40 ARNOLD SCHWARZENEGGER, et al., 41 Defendants.	42 No. C01-1351 TEH 43 <u>THREE-JUDGE COURT</u> 44 STIPULATION AND [PROPOSED] 45 ORDER RE: MODIFICATION OF ORDER 46 SEALING DEPOSITION OF EXPERT 47 WITNESS HANEY 48 To: Three-Judge Panel

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50 **STIP. [PROPOSED] ORDER RE. MODIFY ORDER SEAL HANEY DEPO.**
51 **(CASE NOS. 2:90-CV-00520 LKK JFM P AND C01-1351 TEH)**

STIPULATION

This Court has recognized the privileged status of a report issued by non-party Office of the Inspector General concerning the release of Scott Thomas from San Quentin State Prison. (Docket Nos. 2799, 2851.) The OIG report was discussed during the deposition of Plaintiff expert Craig Haney and, as a result, Defendants obtained an order on October 31, 2008 permitting the filing of the entire deposition under seal. (Docket No. 3249.)

Plaintiffs and Defendants have met and conferred and agree that only that portion of the transcript of the deposition of Dr. Haney in which the OIG report was discussed requires sealing under the protective order.

Plaintiffs and Defendants therefore request this Court modify its October 31, 2008 Order to reflect only the sealing of those portions of the deposition transcript of Craig Haney in which the OIG report is discussed, namely, pages 119, line 1 through page 122, line 22.

Dated: 11/12/08

By: Jane Kahn

Jane Kahn, Esq.
Rosen, Bien & Galvan
Attorneys for Plaintiffs

Dated: 11/4/08

By: Ken Alme

**Lisa Tillman
Office of the Attorney General
Attorneys for Defendants**

~~PROPOSED~~ ORDER

This Court has recognized the privileged status of a report issued by non-party Office of the Inspector General concerning the release of Scott Thomas from San

1 Quentin State Prison. (Docket Nos. 2799, 2851.) The OIG report was discussed during
2 the deposition of Plaintiff expert Craig Haney and, as a result, Defendants obtained an
3 order on October 31, 2008 permitting the filing of the entire deposition under seal.
4 (Docket No. 3249.)

5 This Court has reviewed and approves the stipulation of the Plaintiffs and
6 Defendants to modify the October 30, 2008 to seal only that portion of the transcript of
7 the deposition of Dr. Haney in which the OIG report was discussed namely, pages 119,
8 line 1 through page 122, line 22. This Court so orders modification of the October 31,
9 2008 order.

10 Dated: 11/18/08

11 By:



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19 11/18/08 /s/ Judge Lawrence K. Karlton

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21 11/18/08 /s/ Judge Stephen Reinhardt

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