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8  
9 IN THE UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,  
12  
13 Plaintiff,  
14 v.  
14 BRADLEY EARL REGER,  
15 Defendant.

CASE NO. 2:23-CR-0177 TLN  
STIPULATION AND PROTECTIVE ORDER  
REGARDING DISCOVERY

16  
17 **STIPULATION**

18 Pursuant to 18 U.S.C. §§ 3509(d) and 3771(a)(8) and Federal Rule of Criminal Procedure 16(d),  
19 the undersigned parties hereby stipulate and agree, and respectfully request that the Court order that:

20 1. Much of the discovery in this case contains personal, identifying information regarding  
21 third parties (adults and minors) and victims, including but not limited to their names, physical  
22 descriptions, telephone numbers and/or residential addresses.

23 2. This Order pertains to all discovery provided to or made available to defense counsel that  
24 contains the name of, or other personally identifying information about, an identified victim or minor  
25 witness (hereafter, collectively known as “protected discovery”). Such protected discovery shall be  
26 identified as protected by the government when it is produced to the defense, in a cover letter, or by a  
27 specially-designated Bates range, or through an e-mail message.

28 3. Defense counsel shall not disclose any of the protected discovery or its contents directly

1 or indirectly to any person other than their respective defendant/ client, potential witnesses that they are  
2 interviewing or preparing for trial, counsel for those witnesses, or anyone employed by defense counsel  
3 (such as attorneys, paralegals, secretaries, experts, investigators, and law clerks) in connection with the  
4 representation of the defendant in this criminal case.

5 4. The defendant may view the protected discovery in the presence of defense counsel  
6 and/or a defense investigator, but may not retain a copy or otherwise disseminate the contents.

7 5. The protected discovery and information therein may only be used in connection with the  
8 litigation of this case and for no other purpose.

9 6. If there is a substitution of counsel prior to final disposition of the case, new counsel of  
10 record must join this Protective Order before any protected discovery may be transferred from the  
11 undersigned defense counsel to the new defense counsel. New defense counsel then will become defense  
12 counsel for purposes of this Order, and become the custodian of the protected discovery, and shall then  
13 become responsible, upon conclusion of appellate and post-conviction proceedings, for complying with  
14 the provisions set forth in Paragraph 12 below. All members of the defense counsel, whether current or  
15 past counsel, are at all times subject to the Order and are not relieved by termination of representation or  
16 conclusion of the prosecution.

17 7. Defense counsel will store the protected discovery in a secure place, such as a locked  
18 office, and shall use reasonable care to ensure that it is not disclosed to third persons in violation of this  
19 agreement. To the extent any of the protected discovery, or any copies or reproductions thereof, are  
20 stored electronically the protected discovery shall be stored on a password-protected or encrypted  
21 storage medium or device. Encryption keys shall be stored securely and not written on the storage media  
22 they unlock.

23 8. If defense counsel makes, or causes to be made, any further copies of any of the protected  
24 discovery, defense counsel will ensure that the following notation is physically written or inscribed on  
25 each copy made, if the confidentiality of the documents is otherwise not already present on the copied  
26 file(s) or hard copies: "CONFIDENTIAL – May Not Be Disseminated Except in Accordance With  
27 Court Protective Order."

28 9. If defense counsel releases custody of any of the protected discovery, or authorized

1 copies thereof, to any person described in paragraph three, defense counsel shall first provide such  
2 recipients with copies of this Order. The parties agree that defense counsel, defense investigators and  
3 support staff shall not provide the protected discovery to the defendant or any other witness or copies of  
4 the protected discovery, except for the limited situations identified in this Order.

5 10. Defense counsel shall advise the government counsel of any subpoenas, document  
6 requests or claims for access to the protected discovery by third parties if defense counsel is considering  
7 disseminating any of the protected discovery to a third party in order that the government may take  
8 action to resist or comply with such demands as it may deem appropriate.

9 11. Defense counsel shall be responsible for advising the defendant, or his/her client, his/her  
10 employees and other members of the defense team, and defense witnesses of the contents of this Order.  
11 Defense counsel shall not provide or make available to any person described in paragraph three the  
12 protected discovery until that individual has been provided a copy of this Order by defense counsel.

13 12. If it becomes necessary to refer to an identified victim or minor witness during any public  
14 court proceeding or in a public court filing, the parties shall use designated victim numbers for the  
15 identified victim or minor witness, not the actual name of the identified victim or minor witness.

16 13. Upon the final disposition of the case, including exhaustion of direct and collateral  
17 appellate proceedings, defense counsel shall return the protected discovery to the government, or certify  
18 in writing that the protected discovery has been destroyed, or, if defense counsel seeks to maintain the  
19 protected discovery in the defense counsel's files beyond final disposition of the case, seek modification  
20 of this provision from the Court. If any protected discovery is used as defense exhibits, they shall be  
21 returned to the government along with the other protected discovery upon the final disposition of the  
22 case, and stored with the government exhibits so long as those are required to be maintained.

23 14. Nothing in this Order shall preclude a party from seeking a more restrictive protective  
24 order or other court order with regard to particular discovery items.

25 15. Defense counsel reserves the right to file objections with the Court concerning the  
26 protected status of any material produced by the government, and to seek a less restrictive protective  
27 order, including an order requiring redactions in lieu of more restrictive measures, to ensure the  
28 defendant has the proper level of access to such material in preparing his defense. The contested

1 protected materials shall be submitted in camera or under seal to the Court for evaluation, not publicly  
2 filed.

3  
4 Dated: August 18, 2023

PHILLIP A. TALBERT  
United States Attorney

5  
6 /s/ CHRISTINA McCALL  
CHRISTINA McCALL  
Assistant United States Attorney

7  
8  
9 Dated: August 18, 2023

/s/ KRESTA DALY  
KRESTA DALY  
Counsel for Defendant  
BRADLEY E. REGER

10  
11  
12 **ORDER**

13 By agreement of the parties, and good cause appearing, the Court hereby adopts the stipulation  
14 and the terms contained therein. IT IS SO ORDERED.

15 Dated: August 18, 2023

16   
CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE