

~~CHAMBERS COPY~~

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FILED

JUL 25 2013

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

No. C11-05498 JST (LB)

TIMOTHY SCOTT CAMPBELL, et al.,

Plaintiffs,

vs.

CITY OF OAKLAND, et al.

Defendants.

~~[PROPOSED]~~**FINAL ORDER OF DISMISSAL
AND FOR SEALING AND
DESTRUCTION OF ARREST
RECORDS**

All Parties have stipulated to settlement in the above entitled case. The Stipulation for Entry of Final Order of Dismissal and for Sealing and Destruction of Arrest Records, dated June 17, 2013, has been filed with this Court. Accordingly, pursuant to the stipulation of the Parties, and good cause appearing,

IT IS HEREBY ORDERED:

1. This Final Order incorporates by reference the terms set forth in the Stipulation and its accompanying exhibits, which are attached hereto and incorporated by reference herein.
2. The Parties are directed to implement the aforementioned Stipulation in accordance with its explicit terms and conditions.
3. Within twenty (20) days of the date of this Order, the Defendants shall pay the sum of

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1 \$1,170,000, to Plaintiffs' counsel for distribution to the Plaintiffs, Claimants and their
2 attorneys, as set forth in the attached Stipulation.

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4 4. Defendants shall be bound by the non-monetary terms as set forth in the attached
5 Stipulation, Exhibit A, which incorporates Paragraphs III.C.2 and III.J.8 of the settlement
6 agreement in *Spalding v. City of Oakland et. al.*, No. 011-02867 TEH, also attached as
7 Exhibit B hereto. Specifically, the Parties have stipulated that Defendants will continue
8 to abide by Oakland Police Crowd Control Policy as set forth in the *Coles / Local 10*
9 (C03-2961, 2962 TEH) settlement stipulation and order dated December 24, 2004, and
10 attached as Exhibit C hereto, and that Defendants must meet and confer with Plaintiffs'
11 counsel before making any material change to this Policy and its associated Training
12 Bulletin and training outlines. The Parties have also stipulated to a period of continuing
13 jurisdiction by the Court to enforce these settlement terms.

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16 5. Pursuant to the Stipulation of the City of Oakland and former Chief of Police Jordan on
17 behalf of the arresting agency, the Oakland Police Department, this Court hereby
18 **EXONERATES** and finds the following people **FACTUALLY INNOCENT** of all
19 charges for which they were arrested by the Oakland Police on October 25, 2011: **MAX**
20 **BELL ALPER, BROOKE ANDERSON, KEVIN CHRISTENSEN, MARA**
21 **RANDLE, and MATHIAS BERNARDING.**

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24 6. This Court, having found MAX BELL ALPER, BROOKE ANDERSON, KEVIN
25 CHRISTENSEN, MARA RANDLE, and MATHIAS BERNARDING to be factually

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1 innocent of the charges for which the arrests were made, orders Defendants, the
2 Department of Justice, and any other law enforcement agency which participated in the
3 arrest of the above named individuals on October 25, 2011, to seal all records of their
4 arrest on October 25, 2011, and to destroy said records. (Cal. Penal Code, § 858.1, subd.
5 (b).)

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7 7. The destruction of arrest records pursuant to this Court's order shall be accomplished
8 by permanent obliteration of all entries or notations upon the records pertaining to the
9 arrest, and the record shall be prepared again so that it appears that the arrest never
10 occurred. However, where the only entries on the record pertain to the arrest and the
11 record can be destroyed without necessarily affecting the destruction of other records, the
12 document constituting the record shall be physically destroyed. (See, Cal. Penal Code, §
13 851.8, subd. (j).)

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15 8. The arrests of MAX BELL ALPER, BROOKE ANDERSON, KEVIN
16 CHRISTENSEN, MARA RANDLE, and MATHIAS BERNARDING are deemed *not to*
17 *have occurred*, and, pursuant to this Court's order, the above named people may answer
18 accordingly any question relating to its occurrence. (See, Cal. Penal Code, § 851.8, subd.
19 (f).)

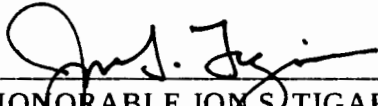
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21 9. Defendants are ordered to provide a copy of this Court's order to the California
22 Department of Justice, along with the names of the five individuals specified above, and
23 to advise said agency of the fact that the records of their arrests have been rendered
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1 obsolete on the basis of a finding of factual innocence pursuant to Cal. Penal Code, §
2 851.8.

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4 **IT IS SO ORDERED**, and pursuant to the Stipulation and the above terms, the
5 action is **DISMISSED**.

6 Dated: 7/25/13

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9 HONORABLE JON S. TIGAR
10 UNITED STATES DISTRICT COURT JUDGE
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