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12 UNITED STATES DISTRICT COURT  
13 EASTERN DISTRICT OF CALIFORNIA  
14 SACRAMENTO DIVISION

15 MARK POTTS,  
16 Plaintiff,

17 v.

18 COUNTY OF TRINITY; TRINITY  
19 COUNTY SHERIFF'S OFFICE; and  
BRUCE HANEY, Sheriff of Trinity County,

20 Defendants.  
21

Case No. 2:12-cv-01793-JAM-CMK

**STIPULATED FINAL JUDGMENT**

Date Filed: July 6, 2012

Trial Date:

1 Pursuant to Federal Rule of Civil Procedure 58, and the agreement of the parties, the  
2 Court hereby enters final judgment in this matter as follows:

3 **IT IS HEREBY ORDERED** that Defendants County of Trinity, Trinity County Sheriff's  
4 Office, and Sheriff Bruce Haney ("Defendants" collectively), their officers, agents, servants,  
5 employees, and attorneys, and all persons acting by, through, under, or in concert with  
6 Defendants, are hereby restrained and enjoined from interfering with the exercise of constitutional  
7 free speech rights of employees of the Trinity County Sheriff's Office. Specifically, Defendants  
8 County of Trinity, Trinity County Sheriff's Department, and Sheriff Bruce Haney, their officers,  
9 agents, servants, employees, and attorneys, and all persons acting by, through, under, or in  
10 concert with Defendants, are hereby **RESTRAINED AND ENJOINED** as follows:

11 1. Defendants shall permanently expunge the Written Reprimand issued to Mark  
12 Potts on February 6, 2012.

13 2. Defendants shall immediately cease and desist from applying Sections 340.3.5(m)  
14 and (aa) and 1058.4(b) and (e) of the Trinity County Sheriff's Office Policy Manual to letters to  
15 the editor written by employees of the Trinity County Sheriff's Office, so long as the letters are in  
16 the writer's own name; address general policy matters, not specific official actions; and  
17 specifically state that the views expressed in the letters are the writer's personal views and not  
18 those of the Trinity County Sheriff's Office. Letters that "address general policy matters"  
19 include, but are not limited to, those that comment on the wisdom or propriety of laws, and those  
20 that discuss the general role of various agencies or governmental entities or actors in achieving  
21 public policy objectives. Letters that address "specific official actions" include, but are not  
22 limited to, those that refer, by name or title, to a particular person employed by the Trinity County  
23 Sheriff's Office, and those that identify a particular investigation or enforcement effort in which  
24 the Trinity County Sheriff's Office is or has engaged.

25 3. Defendants shall deliver to Plaintiff's counsel payment in the amount of ONE  
26 HUNDRED AND TWENTY THOUSAND DOLLARS (\$120,000.00) for Plaintiffs' reasonable  
27 attorneys' fees and costs. Payment shall be made to the American Civil Liberties Union  
28 Foundation of Northern California within 60 days of the Court's entry of judgment. Plaintiff

1 shall make no further demands or claims for attorneys' fees or costs in connection with this  
2 matter.

3 4. No bond is necessary in this case because Defendants' compliance with this  
4 injunction would not create a risk of monetary loss.

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6 DATED this 6<sup>th</sup> day of November, 2012.

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/s/ John A. Mendez  
John A. Mendez  
United States District Court Judge

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