

Jonathan D. Cobb Sr.  
828 Weeks St.  
East Palo Alto, CA  
94303

Walter A. St. Clair  
1227 Sevier Ave  
Menlo Park, CA  
94025

Re: Judge James Order for obtaining bank records and confidentiality  
CASE NO. 10-3907 *MEJ*

FILED  
2011 AUG -5 P 1:01  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

To the Honorable Judge James,

In a communication with Mr. Anthony Smith, it would seem he is implying that this protective order is predicated on the court order for the bank document. This would clearly mean he has no intention of following through with creating the court order for the documents unless we sign the protective order first.

This protective order is nothing more than a gag order. As such, we do not feel we can sign this document. During our last meet and confer session we agreed to confidentiality regarding the bank documents and other documents but it would seem, once again Mr. Smith is trying to add conditions above what was agreed to initially at the meet and confer session of July 22<sup>nd</sup>, 2011.

Calling your attention to Exhibit C, section 3, Mr. Smith is stating that depositions, testimony, hearing or trial issues may be designated as confidential. In section 4, he also states that any documents obtained under the court order cannot be used for any other purpose. If you refer to Exhibit B, you will see contained a letter to Jason Cobb by the Menlo Park Police Department stating that they will need further records to pursue a potential criminal investigation. The police department is making the claim that they have insufficient evidence to continue this investigation at this time. It would seem that this is a ploy designed to stymie the investigation thus shielding the Defendants from possible prosecution.

When one takes this into account, it should be obvious that Mr. Smith is seeking these stipulations in an effort to protect his clients from criminal charges. It also implies by the tone of the letter from the police and the confidentiality document that the police, in a possible effort to avoid filing criminal charges, against the Defendants, may in some way be assisting the Defendants, for whatever reason in an effort to not charge them with any criminal offenses.

Regardless, of language and or tone, your court order for the bank records is not predicated on our signing the protective order, and as such, Mr. Smith appears to not be in compliance with your order to obtain all bank records. He will undoubtedly seek to use our refusal to sign the protective order as a prefix for his not creating or going forward with the court order for the bank records as you have already stipulated.

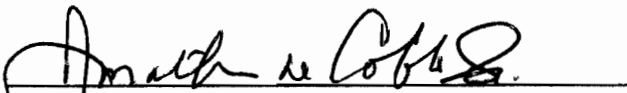
Also, it has been discovered that there are more bank accounts the Defendants opened after the date of July 1<sup>st</sup>, 2010 and as such, these banks should be included in the court order since you stated in court that you wanted ALL of the records. We served Mr. Smith's clients with a subpoena for the names and other account numbers and specified they should be added to the court order for the bank records.

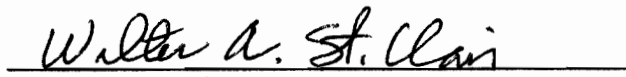
We feel with the language stated in section 4, which goes on to state that, the Parties stipulate that the following *known* bank records shall be designated confidential. The implication here is that Mr. Smith may seek to omit the other bank accounts his clients opened and seek only to make the order for the accounts that he feels are already discovered, i.e. Chase Bank N.A., etc.

As per Mr. Smith's suggestion in the attached email Exhibit A, we will endeavor to create and more streamlined protective order that reflects confidentiality for the bank accounts only and any other documents we may mutually agree upon that should be deemed confidential, but your standing court order for the bank records should in no way be predicated on this or any other protective order.

However, we have stated we will maintain strict confidentiality with regard to bank records already and as such, we felt that this protective order was more designed to try to control the flow of information and prevent any other interested parties who may be observing, from knowing the true nature of the situation at hand.

We sought only to keep you apprised of the situation thus far and express our concerns with regard to the handling of the court order and Mr. Smith's growing concerns over confidentiality.

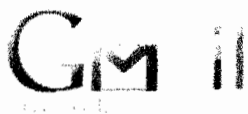
  
Jonathan D. Cobb Sr.

  
Walter A. St. Clair

Date: Aug. 5, 2011

# EXHIBIT

A



Jackson Steele <dystopianviews@gmail.com>

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## Cobb, et al., v. Brede, et al., -- Proposed Stipulated Protective Order

3 messages

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Anthony V. Smith <avslaw@sbcglobal.net>  
To: John Steele <dystopianviews@gmail.com>

Thu, Aug 4, 2011 at 2:31 PM

Messrs. Steele, Cobb & St. Clair,

Consistent with Item Judge James Further Discovery Order, Item #2, attached a revised Stipulated Protective Order that incorporates a stipulation that the Wells Fargo Bank records and the JP Morgan Chase bank records shall be deemed confidential. This protective order is premised on the suggested protective order on the court's website as suggested by Judge James. Please review and sign where indicated. Mr. Steele, as I understand that you will be reviewing confidential records in this case, you would additionally be required to complete Attachment A to the proposed order. Upon your approval as to form and upon receipt or your signatures, I will sign the same. If you disagree with the contents of this Stipulated Protective, then I request that you draft you own version and submit it to me for review and approval as to form.

I will complete the draft Order to Produce Bank Records (Judge James Further Discovery Order, Item #1) later this evening and send it to you for your approval as to form. Thank you in advance for your anticipated cooperation.

Very truly yours,

Anthony V. Smith, Esq.  
Law Office of Anthony V. Smith  
177 Bovet Road, Suite 600  
San Mateo, CA 94402

# EXHIBIT

# B

11-913

RICHARD CLINE  
MAYOR  
  
KIRSTEN KEITH  
MAYOR PRO TEM  
  
ANDREW COHEN  
COUNCIL MEMBER  
  
KELLY FERGUSSON  
COUNCIL MEMBER  
  
PETER OHTAKI  
COUNCIL MEMBER



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www.menlopark.org

Building  
TEL 650.330.6704  
FAX 650.327.5403

City Clerk  
TEL 650.330.6620  
FAX 650.328.7935

City Council  
TEL 650.330.6630  
FAX 650.328.7935

City Manager's Office  
TEL 650.330.6610  
FAX 650.328.7935

Community Services  
TEL 650.330.2200  
FAX 650.324.1721

Engineering  
TEL 650.330.6740  
FAX 650.327.5497

Environmental  
TEL 650.330.6763  
FAX 650.327.5497

Finance  
TEL 650.330.6640  
FAX 650.327.5391

Housing &  
Redevelopment  
TEL 650.330.6706  
FAX 650.327.1759

Library  
TEL 650.330.2500  
FAX 650.327.7030

Maintenance  
TEL 650.330.6780  
FAX 650.327.1953

Personnel  
TEL 650.330.6670  
FAX 650.327.5382

Planning  
TEL 650.330.6702  
FAX 650.327.1653

Police  
TEL 650.330.6300  
FAX 650.327.4314

Transportation  
TEL 650.330.6770  
FAX 650.327.5497

July 5, 2011

Mr. Jason Cobb  
1101 Menlo Oaks Drive  
Menlo Park, CA 94025

Mr. Cobb:

Our department has conducted a thorough review of the documents you submitted to date in support of your report of fraud and embezzlement. We have interviewed and collected statements from several individuals connected with this matter, identified all known parties, and collected additional relevant documents within the periods we discussed. I believe we have a good understanding of the issues presented since your first report to us in April 2011.

A preliminary review of the facts by San Mateo County prosecutors has determined the current evidence received does not establish a substantiated loss to any party and is insufficient to seek court process at this time. The various forms of documents we received from all parties to date have included bank statements for one Wells Fargo bank account before and after July 2010 and activity for two other Wells Fargo accounts after July 2010. This material has been insufficient to proceed further with the investigation.

In order to proceed, we ask that you obtain and deliver three complete years of certified bank statements and checks from January, 2008 to January, 2011, for each bank account opened at any bank and used or associated with the Menlo Park Congregation of Jehovah's Witnesses, Inc. We will suspend any further investigation until all such bank documents are received by the Menlo Park Police Department.

Please feel free to contact me with any further questions you might have.

Sincerely,

Sergeant William A. Dixon  
Menlo Park Police Department

# EXHIBIT

C

Anthony V. Smith, Esq. (SBN 124840)  
LAW OFFICE OF ANTHONY V. SMITH  
204 East Second Avenue, #331  
San Mateo, CA 94401-3904  
Tel: 650.548.0100  
Fax: 650.548.9741

Attorney for Defendants ERNEST BREDE, LUIS CONTRERAS, PAUL KOEHLER, LARRY LAVERDURE, DONALD SHOWERS, AARON LUCAS, STEVE MISTERFELD, ALAN SHUSTER, RICHARD ASHE and DOE SDG:SSX

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

JONATHAN D. COBB, SR., and  
WALTER ARLEN ST. CLAIR,

Plaintiffs,

v.

ERNEST BREDE, LUIS CONTRERAS,  
PAUL KOEHLER, LARRY LAVERDURE,  
DONALD SHOWERS, AARON LUCAS,  
STEVE MISTERFELD, ALAN SHUSTER,  
RICHARD ASHE and DOE SDG:SSX,

Defendants.

) Case No.: 3:10-CV-03907-MEJ  
)  
) **JUDGE: Honorable Maria-Elena James**  
)  
) **STIPULATED PROTECTIVE ORDER**

Subject to the approval of this Court, the parties hereby stipulate to the following protective order:

1. In connection with discovery proceedings in this action, the parties may designate any document, thing, material, testimony or other information derived therefrom, as "Confidential" under the terms of this Stipulated Protective Order (hereinafter "Order"). Confidential information is information which has not been made



public and which concerns or relates to the processes, operations, type or work, or apparatus, or to the production, sales, shipments, purchases, transfers, identification of customers, inventories, amount or source of any income, profits, losses, or expenditures of any persons, firm, partnership, corporation, or other organization, the disclosure of which information may have the effect of causing harm to the competitive position of the person, firm, partnership, corporation, or to the organization from which the information was obtained. By designating a document, thing, material, testimony or other information derived therefrom as "confidential," under the terms of this order, the party making the designation is certifying to the court that there is a good faith basis both in law and in fact for the designation within the meaning of Federal Rule of Civil Procedure 26(g). Notwithstanding the designation of subsequent documents as confidential, the Parties stipulate that the following known bank records shall be designated Confidential:

**Wells Fargo Bank, N.A.**

M P Jehovahs Witness K H O F	Checking account #87894705
Menlo Park Jehovah's Witnesses	Checking account #028-1021162
Menlo Park Jehovah's Witnesses	Savings account #6197841171
M P Jehovahs Witness K H O F	Checking account #1940935883
M P Jehovahs Witness K H O F	Savings account #9841455224
M P Jehovahs Witness K H O F	Checking account #6835698694
M P Jehovahs Witness K H O F	Checking account #6657578339
Japanese Congregation of Jehovah's Witnesses Menlo Park --	
Checking account #xxxxx2866	

**JP Morgan Chase Bank**

The Menlo Park Congregation of Jehovah's Witnesses, Inc. --  
Checking account #xxxxx2300

2. Confidential documents shall be so designated by stamping copies of the document produced to a party with the legend "CONFIDENTIAL." Stamping the

legend "CONFIDENTIAL" on the cover of any multipage document shall designate all pages of the document as confidential, unless otherwise indicated by the producing party.

3. Testimony taken at a deposition, conference, hearing or trial may be designated as confidential by making a statement to that effect on the record at the deposition or other proceeding. Arrangements shall be made with the court reporter taking and transcribing such proceeding to separately bind such portions of the transcript containing information designated as confidential, and to label such portions appropriately.

4. Material designated as confidential under this Order, the information contained therein, and any summaries, copies, abstracts, or other documents derived in whole or in part from material designated as confidential (hereinafter "Confidential Material") shall be used only for the purpose of the prosecution, defense, or settlement of this action, and for no other purpose.

5. Confidential Material produced pursuant to this Order may be disclosed or made available only to the Court, to counsel for a party (including the paralegal, clerical, and secretarial staff employed by such counsel), and to the "qualified persons" designated below:

- (a) A party, or an officer, director, or employee of a party deemed necessary by counsel to aid in the prosecution, defense, or settlement of this action;
- (b) Experts or consultants (together with their clerical staff) retained by such counsel to assist in the prosecution, defense, or settlement of this action;
- (c) Court reporter(s) employed in this action;

(d) A witness at any deposition or other proceeding in this action; and

(e) Any other person as to whom the parties in writing agree. As of the initial signing of this stipulation, the parties stipulate that upon verification and confirmation of his identity, Plaintiff's legal liaison John Steele a.k.a. Jackson Steele, whose address is represented to be 1111 Menlo Oaks Drive, Menlo Park, California, shall be deemed a qualified person subject to the terms and conditions of this stipulation.

Prior to receiving any Confidential Material, each "qualified person" shall be provided with a copy of this Order and shall execute a nondisclosure agreement in the form of Attachment A, a copy of which shall be provided forthwith to counsel for each other party and for the parties.

6. Depositions shall be taken only in the presence of qualified persons.

7. The parties may further designate certain discovery material or testimony of a highly confidential and/or proprietary nature as "CONFIDENTIAL--ATTORNEY'S EYES ONLY" (hereinafter "Attorney's Eyes Only Material"), in the manner described in paragraphs 2 and 3 above. Attorney's Eyes Only Material, and the information contained therein, shall be disclosed only to the Court, to counsel for the parties (including the paralegal, clerical, and secretarial staff employed by such counsel), and to the "qualified persons" listed in subparagraphs 5(b) through (e) above, but shall not be disclosed to a party, or to an officer, director or employee of a party, unless otherwise agreed or ordered. If disclosure of Attorney's Eyes Only Material is made pursuant to this paragraph, all other provisions in this order with respect to confidentiality shall also apply.

8. Nothing herein shall impose any restrictions on the use or disclosure by a party of material obtained by such party independent of discovery in this action, whether or not such material is also obtained through discovery in this action, or from disclosing its own Confidential Material as it deems appropriate.

9. If Confidential Material, including any portion of a deposition transcript designated as Confidential or Attorney's Eyes Only, is included in any papers to be filed in Court, such papers shall be labeled "Confidential—Subject to Court Order" and filed under seal until further order of this Court.

10. In the event that any Confidential Material is used in any court proceeding in this action, it shall not lose its confidential status through such use, and the party using such its confidentiality during such use.

11. This Order shall be without prejudice to the right of the parties (i) to bring before the Court at any time the question of whether any particular document or information is confidential or whether its use should be restricted or (ii) to present a motion to the Court under FRCP 26(c) for a separate protective order as to any particular document or information, including restrictions differing from those as specified herein. This Order shall not be deemed to prejudice the parties in any way in any future application for modification of this Order.

12. This Order is entered solely for the purpose of facilitating the exchange of documents and information between the parties to this action without involving the Court unnecessarily in the process. Nothing in this Order nor the production of any information or document under the terms of this Order nor any proceedings pursuant to this Order shall be deemed to have the effect of an admission or waiver by either party or

of altering the confidentiality or nonconfidentiality of any such document or information or altering any existing obligation of any party or the absence thereof.

13. This Order shall survive the final termination of this action, to the extent that the information contained in Confidential Material is not or does not become known to the public, and the Court shall retain jurisdiction to resolve any dispute concerning the use of information disclosed hereunder. Upon termination of this case, counsel for the parties shall assemble and return to each other all documents, material and deposition transcripts designated as confidential and all copies of same, or shall certify the destruction thereof.

IT IS SO STIPULATED:

DATED: \_\_\_\_\_, 2011

\_\_\_\_\_  
WALTER ARLEN ST. CLAIR  
PLAINTIFF IN PRO PER  
1227 Sevier Street  
Menlo Park, CA 94025-1509

DATED: \_\_\_\_\_, 2011

\_\_\_\_\_  
JONATHAN D. COBB, SR.  
PLAINTIFF IN PRO PER  
828 Weeks Street  
Palo Alto, CA 94303

DATED: \_\_\_\_\_, 2011

\_\_\_\_\_  
JOHN STEELE a.k.a. JACKSON STEELE  
PLAINTIFFS' LEGAL LIASON  
1111 Menlo Oaks Drive  
Menlo Park, CA 94025

DATED: \_\_\_\_\_, 2011

\_\_\_\_\_  
Anthony V. Smith, Esq.  
LAW OFFICE OF ANTHONY V. SMITH  
Attorney for Defendants ERNEST BREDE, LUIS CONTRERAS  
PAUL KOEHLER, LARRY LAVERDURE, DONALD SHOWERS  
AARON LUCAS, STEVE MISTERFELD, ALAN SHUSTER,  
RICHARD ASHE and DOE SDG:SSX

**PROTECTIVE ORDER**

The Stipulated Protective Order is hereby adopted by the Court and shall govern the case. The parties are ordered to comply with this Order. In addition the Court orders:

DATE: \_\_\_\_\_, 2011

\_\_\_\_\_  
THE HONORABLE MARIA-ELENA JAMES  
UNITED STATES DISTRICT JUDGE

**Attachment A**

**NONDISCLOSURE AGREEMENT**

I, \_\_\_\_\_, do solemnly swear that I am fully familiar with the terms of the Stipulated protective Order entered in *Jonathan D. Cobb, Sr., et al. v. Ernest Brede, et al.*, United States District Court for the Northern District of California, Civil Action No. 3:10-CV-03907-MEJ, and hereby agree to comply with and be bound by the terms and conditions of said Order unless and until modified by further Order of the Court. I hereby consent to the jurisdiction of said Court for purposes of enforcing this Order.

DATED: \_\_\_\_\_, 2011