

ELLEN S. BOWMAN, ESQ.
Nevada Bar No. 12118
WILSON, ELSE, MOSKOWITZ,
EDELMAN & DICKER LLP
6689 Las Vegas Blvd. South, Suite 200
Las Vegas, Nevada 89119
Telephone: 702.727.1400
Facsimile: 702.727.1401
Email: ellen.bowman@wilsonelser.com
Attorneys for Defendants
The Home Depot, Inc. and Ridge Tool Company

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

OSCAR HERNANDEZ ,

Plaintiffs,

v.

THE HOME DEPOT, INC., RIDGE TOOL
COMPANY, and DOES 1-V, and ROE
CORPORATIONS IV, inclusive,

Defendants.

CASE NO. 2:22-CV-00938-APG-EJY

REVISED STIPULATION AND ORDER
REGARDING CONFIDENTIAL
INFORMATION

Plaintiff, Oscar Hernandez by and through his attorney of record, David Sampson, Esq. of the Law Office of David Sampson and Defendants, The Home Depot, Inc. and Ridge Tool Company, by and through its attorney of record, Ellen S. Bowman, Esq. of Wilson, Elser, Moskowitz, Edelman & Dicker LLP, hereby submit the following Stipulation and Order Regarding Confidential Information:

The following provisions shall govern the exchange of confidential information in this matter:

1. Following a good faith meet and confer, the parties have agreed that the following documents, to be produced by Defendants, contain proprietary and/or trade secret information:

- i. Project Initiation Requests
- ii. New Product Qualification Procedure No. 8
- iii. Product Evaluation and Acceptance Criteria
- iv. Lab Test Procedure No. 0224
- v. Product Safety Committee Minutes
- vi. Test No.: 2015-01825 et al.
- vii. New Product Release for Shipment

2. The documents identified above are hereby designated as confidential and will be stamped “CONFIDENTIAL” before production by Defendants. “Confidential” information or documents may be referred to collectively as “Confidential Information.”
3. Unless ordered by the court or otherwise provided for herein, the Confidential Information disclosed will be held and used by the person receiving such information solely for use in connection with the above-captioned action – more particularly as described in Paragraph 6.
4. In the event that either party identifies additional documents or information believed to confidential, the parties agree to meet and confer, in good faith, and either submit a supplemental stipulated protective order that identifies, by title, the Confidential Information for the court’s consideration, or if an agreement cannot be reached, then the requesting party reserves the right to submit a motion seeking the desired relief.
5. Nothing in this Protective Order constitutes an admission by any party that Confidential Information disclosed in this case is relevant or admissible. Each party

specifically reserves the right to object to the use or admissibility of all Confidential Information disclosed, in accordance with applicable laws and court rules.

6. Information or documents designated as “Confidential” shall not be disclosed to any person except:

- a. The requesting party and counsel, including in-house counsel;
- b. Employees of such counsel assigned to and necessary to assist in the litigation;
- c. The Court (including the clerk, court reporter or stenographer, or other person having access to Confidential Information by virtue of his or her position with the Court) or the jury at trial or as exhibits to motions.
- d. Subject to the condition set forth in Paragraph 7 below: consultants or experts in the prosecution or defense of the matter, to the extent deemed necessary by counsel;
- e. Subject to the condition set forth in Paragraph 7 below: any person from who testimony is taken or is to be taken in this action, except that such a person may only be shown Confidential Information during and in preparation for his/her testimony and may not retain the Confidential Information; and

7. Prior to disclosing or displaying Confidential Information to any person, counsel shall:

- a. inform the person of the confidential nature of the information or documents;

1 b. inform the person that this Court has enjoined the use of the information or
2 documents by him/her for any purpose other than this litigation and has
3 enjoined the disclosure of that information or documents to any other person.

4 8. The disclosure of a document or information without designating it as “confidential”
5 shall not constitute a waiver of the right to designate such document or information
6 as Confidential Information provided the material is designated pursuant to the
7 procedures set forth herein no later than fourteen (14) days after that close of discovery
8 or fourteen (14) days after the production of the document or information. If so
9 designated, the document or information shall thenceforth be treated as Confidential
10 Information subject to all of the terms of the Stipulation and Order.
11

12 9. All information subject to confidential treatment in accordance with the terms of this
13 Stipulation and Order that is filed with the Court, including any pleadings, motions or
14 other papers filed with the Court that includes Confidential Information, shall be filed
15 provisionally under seal together with a motion to seal pursuant to Local Rule IA 10-
16 5. Papers filed with the Court under seal will be accompanied by a motion for leave
17 to file those documents under seal. All papers filed under seal will remain sealed until
18 the Court either denies the motion to seal or enters and order unsealing them. LR IA
19 10-5(a). An attorney who files a document under seal must include with the document
20 either (1) a certificate of service certifying that the sealed document was served on the
21 opposing attorneys or (ii) an affidavit showing good cause why the document has not
22 been served on the opposing attorneys. LR IA 10-5(c). Documents filed under seal
23 will be served in accordance with LR IC 4-1 (c).
24
25
26

1 10. In the event of unauthorized or inadvertent disclosure of Confidential Information, the
2 party responsible for the disclosure must immediately bring all pertinent facts relating to
3 such disclosure to the attention of all counsel of record and, without prejudice to other
4 rights and remedies of the producing party, make every effort to prevent further
5 disclosure by it or by the person who was the recipient of such information. Inadvertent
6 or unintentional production of Confidential Information that is not designated as such
7 shall not be deemed a waiver in whole or in part of a claim for confidential treatment.
8

9 11. At the conclusion of the litigation, the Confidential Information and any copies thereof
10 shall be promptly (and in no event no later than thirty (30) days after entry of final
11 judgment no longer subject to further appeal) returned to the producing party or
12 certified as destroyed, except that the parties' counsel shall be permitted to retain their
13 working files on the condition that such files will remain confidential.
14

15 The foregoing is without prejudice to the right of any party to apply to the Court for any further
16 Protective Order relating to Confidential Information; or to object to the production of documents
17 or information; or to apply to the Court for an order compelling production of documents or
18 information; or for modification of this order. This Order may be enforced by any party and any
19 violation of this order may result in the imposition of sanctions by the Court.
20

21 IT IS SO STIPULATED.
22
23

24 [Continued on the next page]
25
26

Revised SAO re: Confidential Information
Hernandez v. The Home Depot, et al
2:22-CV-00938-APG-EJY

DATED this 31st day of August, 2022.

Dated this 31st day of August, 2022.

**WILSON, ELSE, MOSKOWITZ,
EDELMA & DICKER LLP**

LAW OFFICE OF DAVID SAMPSON, LLC

By: /s/ Ellen S. Bowman
Ellen S. Bowman, Esq.
Nevada Bar No. 12118
6689 Las Vegas Blvd. South, Suite 200
Las Vegas, Nevada 89119
*Attorneys for Defendant The Home Depot,
Inc. and Ridge Tool Company*

By: /s/ David Sampson
David Sampson, Esq.
Nevada Bar No. 6811
630 S. 3rd Street
Las Vegas, Nevada 89101
Attorney for Plaintiff

ORDER

Upon stipulation of the parties and good cause appearing, IT IS HEREBY ORDERED
that this Revised Stipulation and Order Regarding Confidential Information (ECF No. 32) is
GRANTED.

IT IS FURTHER ORDERED that the Motion for Protective Order (ECF No. 29) is
DENIED as moot.


United States Magistrate Judge

Dated August 31, 2022