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8
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10 Judgment Creditor **WHAM-O, INC.**

11
12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA

14 SLB TOYS USA, INC.,

15 Plaintiff,

16 v.

17 WHAM-O, INC., et al.,

18 Defendants.

Case No. CV06-1382 RSWL (CWx)

[DISCOVERY MATTER]

**AMENDED PROTECTIVE
ORDER**

Judge: Honorable Ronald S.W. Lew
Courtroom: 21

Complaint filed: March 6, 2006

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20 WHAM-O, INC.,

21 Counterclaimant,

22 v.

23 SLB TOYS USA, IN., doing business as
24 TOYQUEST,

25 Counterdefendant.
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1 WHEREAS, in March, 2006, SLB Toys USA, Inc. (“SLB”) filed this
2 federal trademark action against Wham-O, Inc. (“Wham-O”) in the United States
3 District Court for the Central District of California (Case No. CV06-1382 RSWL),
4 and Wham-O brought counterclaims for willful infringement, willful dilution,
5 intentional false advertising and unfair competition, which Wham-O alleged that
6 water slides produced and advertised by SLB infringed on Wham-O’s trademark
7 color yellow (“*Color 1* Action”);

8 WHEREAS, Brian Dubinsky was deposed in the *Color 1* Action subject
9 to a Protective Order on August 8, 2008, following a judgment against SLB (the
10 “Dubinsky Color Deposition”);

11 WHEREAS, use of Mr. Dubinsky’s testimony from the *Color 1* Action
12 may potentially save the litigants time and resources in another matter, *Wham-O v.*
13 *Eileen Sefchick et al.*, Alameda Superior Court Case No. RG07329828 (the “State
14 Court Action”), by possibly avoiding or minimizing the need to obtain the same or
15 similar testimony in the State Court Action;

16 IT IS HEREBY ORDERED by and between the parties, through their
17 respective counsel of record, that upon entry of this amendment to the Protective
18 Order in the *Color 1* Action, the reporter’s transcript with exhibits and the videotape
19 of the Dubinsky Color Deposition may be used in the State Court Action in
20 accordance with the terms of the stipulation entered into by the parties to the State
21 Court Action.

22 IT IS FURTHER ORDERED that the Dubinsky Color Deposition will
23 be governed by the Protective Order entered in the State Court Action and, thus,
24 afforded the level of “Confidential” under that Protective Order. All parties
25 expressly reserve their rights, if any, under the Protective Order in the State Court
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1 Action to dispute the confidentiality designation of the Dubinsky Color Deposition,
2 and portions thereof, at or before trial.

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4 **IT IS SO ORDERED.**

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6 Dated: January 6, 2009

7 _____/S/_____
8 HON. CARLA M. WOEHRLE
9 U.S. Magistrate Judge

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1 **PROOF OF SERVICE**

2 I am employed in the County of Los Angeles, State of California. I am over
3 the age of 18 and not a party to the within action. My business address is 601 South
4 Figueroa Street, 41st Floor, Los Angeles, California 90017.

5 On January 7, 2009, I served the **[PROPOSED] AMENDED PROTECTIVE**
6 **ORDER** by CM/ECF Electronic Filing. I caused the above document to be
7 transmitted to the office(s) of the addressee(s) listed below by electronic mail at the
8 e-mail address(es) set forth above pursuant to Fed.R.Civ.P.5(d)(1). "A Notice of
9 Electronic Filing (NEF) is generated automatically by the ECF system upon
10 completion of an electronic filing. The NEF, when e-mailed to the e-mail address
11 of record in the case, shall constitute the proof of service as required by
12 Fed.R.Civ.P.5(d)(1). A copy of the NEF shall be attached to any document served
13 in the traditional manner upon any party appearing pro se."

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Attorneys for Movants
BRIAN DUBINSKY
STEPHANIE DUBINSKY

25 I declare under penalty of perjury that I am employed in the office of a
26 member of the bar of this Court at whose direction this service was made and that the
27 foregoing is true and correct.
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Executed on January 7, 2009, at Los Angeles, California.

By: /s/ Robert J. McGahan

Robert J. McGahan
GOODWIN PROCTER LLP
Attorneys for Defendant,
Counterclaimant and Judgment
Creditor **WHAM-O, INC.**