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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

TRUSTEES OF THE OPERATING
ENGINEERS PENSION TRUST,
TRUSTEES OF THE OPERATING
ENGINEERS HEALTH AND WELFARE
FUND, TRUSTEES OF THE OPERATING
ENGINEERS VACATION-HOLIDAY
SAVINGS TRUST and TRUSTEES OF
THE OPERATING ENGINEERS
TRAINING TRUST,

Plaintiffs,

vs.

SMITH-EMERY COMPANY, a California
corporation,

Defendant.

CASE NO.: CV 09-1476 CAS (VBKx)

Discovery Issues Assigned to the
Honorable Victor B. Kenton

PROTECTIVE ORDER

21 On May 7, 2010, Plaintiffs, Trustees of the Operating Engineers Pension Trust,
22 et al. (the "Trustees") served on non-party, Los Angeles Unified School District
23 ("LAUSD") a subpoena ("Subpoena") requesting production of unredacted certified
24 payroll records ("Unredacted CPRs") prepared by Defendant Smith-Emery Company
25 ("Smith-Emery").

26 The Unredacted CPRs contain Smith-Emery's employees' names, addresses,
27 and social security numbers ("Identification Information"). Although this
28 Identification Information is confidential in nature, the Trustees require the

1 information in order to calculate fringe benefit contributions allegedly owed by Smith-
2 Emery.

3 **IT IS HEREBY ORDERED**, pursuant to the “Stipulation for Protective Order”
4 entered into by and among the Trustees and the LAUSD, and good cause appearing
5 therefore:

6 1. The LAUSD shall produce the Unredacted CPRs requested in the
7 Subpoena within 30 days of the issuance of this order.

8 2. The Trustees shall not furnish, show, disclose or otherwise disseminate
9 the Unredacted CPRs to any person except to: (a) the Trustees, their agents and
10 employees; (b) counsel for the Trustees and office personnel assisting counsel in the
11 preparation and trial of this action; and (c) experts and consultants who are assisting
12 said counsel in preparation and/or trial. The Trustees shall require any person(s)
13 identified in subparagraphs (a) through (c) to be bound to this order.

14 3. The Unredacted CPRs may only be used for the purpose of calculating,
15 collecting and allocating fringe benefit contributions allegedly owed by Smith-Emery
16 to the Trustees for work performed by employees of Smith-Emery. The Unredacted
17 CPRs may not be used for any other purpose by anyone, including those persons
18 identified in Paragraph 2 herein.

19 4. The Unredacted CPRs produced pursuant to the Subpoena shall be
20 maintained in the possession and control of the Trustees and the Trustees’ counsel in
21 such a manner that the information is not accessible to individuals not bound by this
22 order.

23 5. Unless the Court orders otherwise, the Trustees may only file the
24 Unredacted CPRs with the Court after obtaining an order to seal pursuant to Local
25 Rules 79-5.1 – 79-5.4.

26 6. The Trustees may redact the Unredacted CPRs by blocking out the first
27 names, addresses and first six digits of the social security numbers contained therein.
28 The redacted CPRs, containing no first names, no addresses and which list only the

1 last four digits of the social security numbers may be provided to all third parties and
2 may be filed with the Court without an order to seal.

3 7. In the event that the Trustees are ordered by a court or any state, federal
4 or governmental unit to produce the Unredacted CPRs, they shall provide reasonable
5 notice to the LAUSD, through their counsel, of that court order or command, so as to
6 allow the LAUSD to file an appropriate opposition to such order or command.

7 8. The terms of this Order shall remain in full force and effect and shall not
8 cease to be in effect because of the final adjudication of this litigation.

9 9. Upon resolution of this action in trial court, the Unredacted CPRs shall be
10 held by Trustees' counsel pending final resolution of this litigation by appeal or
11 otherwise. Within six (6) months after such final resolution, the Unredacted CPRs
12 shall be shredded by the Trustees' counsel. The Trustees' counsel shall give the
13 LAUSD, through its counsel, notice when the Unredacted CPRs have been shredded.

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16 DATED: May 26, 2010

_____ /s/ _____
UNITED STATES DISTRICT COURT
MAGISTRATE JUDGE