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E-FILED 04/29/13

Attorneys for Plaintiff

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

13 JAMES P. DEMARCO, an individual,	)	Case No.: 2:11-CV-02683-PSG-SS
14 and as Trustee for the DeMarco Family	)	
14 2002 Trust,	)	Assigned for all purposes to:
15 Plaintiff,	)	Hon. Philip S. Gutierrez, Judge
	)	Dept. 880
	)	
17 v.	)	<del>PROPOSED</del> <b>ORDER ON</b>
	)	<b>STIPULATION FOR PROTECTIVE</b>
	)	<b>ORDER RE; CERTAIN FINANCIAL</b>
19 BARNES ASSOCIATES, INC., a	)	<b>INFORMATION</b>
20 Missouri corporation; MICHAEL	)	
20 BARNES, an individual; and MARK	)	Complaint filed: March 30, 2011
21 GRONOWSKI, an individual,	)	Discovery Cutoff: March 19, 2013
22 Defendants.	)	Pretrial Conference: June 10, 2013
	)	Trial date: June 25, 2013

24 THIS MATTER having come before the Court on joint Stipulation of the parties  
25 hereto, and for good cause appearing therefrom;

26 IT IS ORDERED as follows:

- 27 1. Forthwith on entry of the Court's order approving this Stipulation, each  
 28 Defendant shall deliver to counsel for Plaintiff, a statement of such Defendant's assets,

1 liabilities and net worth, setting forth only such of each Defendant's assets as are  
2 subject to execution under the laws of either the State of Illinois (in the case of  
3 Defendant MARK GRONOWSKI), or the State of Missouri (in the case of all other  
4 Defendants), and identifying any categories of assets that were excluded from this  
5 statement as not subject to execution, together with a declaration under penalty of  
6 perjury under the laws of the State of California to the effect that the said statement is  
7 true, complete and correct (collectively, the "Statements").

8 2. Concurrently with the delivery of the Statements to Plaintiff's counsel, Plaintiff  
9 accepts such delivery as a full, complete and satisfactory response to Interrogatory  
10 Nos. 1 through 22 of: (a) *Plaintiff James P. DeMarco's Interrogatories to Defendant*  
11 *Barnes Associates, Inc, Set One*, dated February 15, 2013; (b) *Plaintiff James P.*  
12 *DeMarco's Interrogatories to Defendant Michael Barnes, Set One*, dated February 15,  
13 2013; and (c) *Plaintiff James P. DeMarco's Interrogatories to Defendant Mark*  
14 *Gronowski, Set One*, dated February 15, 2013.

15 3. Counsel for Plaintiff shall hold each and every Statement in strict confidence.  
16 Without limiting the generality of the foregoing, and subject to the provisions of  
17 Section 4 hereof, counsel shall not disclose any such Statement, or any part thereof, or  
18 any information contained therein, to any third party; including, without limitation,  
19 counsel's client, Plaintiff James P. DeMarco.

20 4. Counsel may not use any Statement for any purpose whatsoever, save and  
21 except as follows:

22 (a) Counsel may use each Statement solely in connection with the negotiation,  
23 drafting, execution and delivery of an agreement settling this action; and

24 (b) Counsel may use each Statement solely at trial of this action *if and only if* the  
25 trier of fact shall have previously and expressly found that the Defendant  
26 whose Statement Counsel seeks to use at trial acted with malice, fraud or  
27 oppression.

28 Counsel shall not use any of the Statements for any purpose other than those

1 expressly set forth in this Section 4.

2 5. If Plaintiff's counsel is compelled by any legal process to disclose any of the  
3 Statements, then Plaintiff's counsel shall, promptly and before making any such  
4 disclosure, notify Defendants' counsel of the foregoing. Plaintiff's counsel shall not  
5 produce any of the said Statements until Defendants' counsel shall have had  
6 reasonable time to object or take other appropriate steps to protect the same.

7 6. Plaintiff's counsel shall notify Defendants' counsel promptly on becoming  
8 aware of any disclosure of any Statement or of any information contained therein other  
9 than in accordance with this Stipulation. The said notice shall include all facts  
10 pertinent to the disclosure that are known after due diligence and prompt investigation;  
11 including, without limitation, the name, address and employer of the person to whom  
12 the disclosure was made. Plaintiff's counsel shall immediately take all reasonable  
13 efforts to prevent further disclosure of the Statements and shall fully cooperate with  
14 Defendants' counsel to protect the Statements and the information contained therein.

15 7. On the final termination of this action, unless otherwise agreed in writing by  
16 Defendants' counsel, Plaintiff's counsel shall promptly assemble and return to  
17 Defendants' counsel, the original and all copies of each and every Statement then in  
18 counsel's possession, custody or control; together with all notes, compilations or  
19 summaries made therefrom. On receipt, Defendants' counsel shall acknowledge receipt  
20 of the same in writing. Alternatively, with Defendants' counsel's prior written  
21 consent, Plaintiff's counsel may destroy or arrange for the destruction of all of the  
22 foregoing material and certify to Defendants' counsel in writing that all of the said  
23 material in Plaintiff's counsel's possession, custody or control has been destroyed.

24 8. Nothing in this Stipulation shall bar any counsel from rendering advice to such  
25 counsel's clients with respect to this action and, in the course thereof, relying on any of  
26 the Statements or any information contained therein; *provided*, that counsel shall not  
27 disclose any such material.

28 9. The parties retain the right to apply to the Court for a modification of this

1 Stipulation, for good cause.

2 10. Nothing herein is intended by any party hereto as a waiver by any Defendant of  
3 any objection heretofore raised by such Defendant to any and all *Interrogatories* other  
4 than those numbered from 1 to and including 22. Each of the Defendants expressly  
5 reserves each and all of such objections..

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9 Dated: April 25, 2013

**PHILIP S. GUTIERREZ**

U.S. District Judge

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