

NOTE COURT'S CHANGES
AT PARAGRAPH 4.4

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

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

TOBY G. SCAMMELL,

Defendant.

Case No. LACV-11-6597 DSF (MRWx)

[PROPOSED] PROTECTIVE ORDER

[DISCOVERY MATTER]

Judge: Hon. Michael R. Wilner
Ctm: H

Complaint Filed: Aug. 11, 2011

1 Pending before the Court is the parties' Joint Stipulation Re Protective
2 Order. Good cause appearing therein, the relief sought through the Stipulation is
3 granted. IT IS HEREBY ORDERED that:

4 1. **DEFINITIONS**

5 1.1 Party: any party to this action, including all of its officers,
6 employees, attorneys, consultants, retained experts, and support staff.

7 1.2 Discovery Material: all items or information, regardless of the
8 medium or manner generated, stored, or maintained (including, among other
9 things, Fed. R. Civ. Proc. 26 disclosures, testimony, transcripts, or tangible things)
10 produced by a Party in discovery in the course of this litigation, whether
11 voluntarily or in response to a request for production of documents pursuant to Fed
12 R. Civ. Proc. 34, that are not otherwise publicly available.

13 1.3 Receiving Party: a Party that receives Discovery Material from
14 a Producing Party.

15 1.4 Producing Party: a Party that produces Discovery Material in
16 this action.

17 2. **SCOPE**

18 The protection conferred by this Protective Order covers not only Discovery
19 Material (as defined above), but also any information copied or extracted there
20 from, as well as all copies, excerpts, summaries, or compilations thereof that might
21 reveal Discovery Material.

22 3. **DURATION**

23 Even after termination of this litigation, the confidentiality obligations
24 imposed by this Protective Order shall remain in effect until a Producing Party
25 agrees otherwise in writing or a court order otherwise directs.
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1 4. **ACCESS TO AND USE OF DISCOVERY MATERIAL**

2 4.1 The Parties agree not to disclose Discovery Material received
3 from a Producing Party, other than for purposes related to this litigation.

4 4.2 The Parties agree that Discovery Material received from a
5 Producing Party may be used for purposes related to this litigation, including use in
6 depositions in this litigation, use in connection with expert witnesses and
7 consultants, and may be submitted and/or referenced in filings and arguments
8 made to the Court in this case.

9 4.3 Nothing in this Protective Order shall alter the Parties'
10 obligations under Federal Rule of Civil Procedure 5.2.

11 4.4 The Parties agree that no Party shall disclose Discovery
12 Material for purposes not related to this litigation, including disseminating or
13 disclosing Discovery Material to the media, making such information available to
14 the public and/or posting such information on the internet. Notwithstanding this
15 paragraph, nothing in this Protective Order shall restrict the dissemination of any
16 document which is publicly available by virtue of being filed with the Court in the
17 course of this litigation. The parties may request permission to file materials with
18 the Court under seal as permitted by Local Rule 79-5 and Judge Fischer's standing
19 order.

20 4.5 Disclosure of "Disclosure or Discovery Material" by the
21 Securities and Exchange Commission. Notwithstanding the above paragraphs,
22 nothing in this Protective Order shall be construed to limit or otherwise abrogate
23 the Commission's ability to make its files available as described in the "Routine
24 Uses of Information" section of SEC Form 1662, or to comply with any other
25 statutory obligation. The Commission may disclose Discovery Material in a
26 manner consistent with the "Routine Uses of Information" section of SEC Form
27 1662 or to comply with any other statutory or regulatory obligation without
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1 notifying or seeking permission from the Producing Party.

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3 IT IS SO ORDERED.

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5 DATED: March 20, 2012

/s/ Judge Wilner

6 HONORABLE MICHAEL R. WILNER
7 UNITED STATES MAGISTRATE JUDGE
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