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18 Attorneys for Defendants,
 19 **AFFILIATED COMPUTER SERVICES, INC. and**
 20 **XEROX CORPORATION**

21 UNITED STATE DISTRICT COURT
 22 CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

23 PAMELA D. EVANS, an individual,
 24 Plaintiff,
 25 vs.
 26 AFFILIATED COMPUTER SERVICES,
 27 INC., a Delaware corporation; and XEROX
 28 corporation, a New York corporation, and
 DOES 1 through 14, Inclusive,
 Defendants.

Case No.: 2:13-CV-07407-JFW-AGR
 DISCOVERY MATTER

~~PROPOSED~~ **PROTECTIVE
 ORDER FOR CONFIDENTIAL
 TREATMENT OF DOCUMENTS
 OR INFORMATION**

Pre-trial conference: 9/5/14
 Trial: 9/23/14

NOTE CHANGES MADE BY THE COURT.

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1. The parties agree that the following information or documents produced are confidential: (a) financial information, medical records, personnel

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 DOCUMENTS OR INFORMATION

1 data, or documents concerning the Plaintiff; (b) non-public financial information
2 concerning the Defendants, such as, but not limited to, contractual terms between
3 the Defendants and customers, as well as margin information; (c) Defendants'
4 employee personnel files, employee personal identifiers, employee pay rates,
5 employee performance evaluations, employee disciplinary actions, and employee
6 job classifications; (d) personnel, benefits, employment-related or medical records
7 concerning the Plaintiff; (e) internal investigations conducted by the Defendants or
8 its affiliates into conduct of its personnel; (f) information relating to or concerning
9 Defendants' nonpublic legal affairs; (g) Defendants' proprietary and/or commercial
10 practices and procedures; (h) Defendants' customer data, customer contact
11 information, customer contracts, customer contract rates, revenues, and costs and (i)
12 any and all confidential settlements. This list is not exhaustive, and either party
13 may designate other appropriate information or documents, including deposition
14 testimony, as confidential and subject to this Order.
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20 2. The confidential documents and information obtained under this Order
21 shall be used only by the parties and only for purposes of the prosecution or defense
22 of this action. The confidential information and documents shall be used for no
23 other purpose, and they shall not be disclosed to any other person (defined as
24 broadly as possible to include individuals, entities, governmental agencies, etc.)
25 except in accordance with this Order.
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1 3. Except with prior written consent of the party producing the
2 information or documents, no confidential information or documents may be
3 disclosed to any person other than:
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5 a. counsel of record in this action and employees of such counsel;

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7 *or*
8 *attorneys seeking to represent the Plaintiff*

9 b. the parties to this action and their staff who are directly involved

10 *in the prosecution or defense of this action; or preparation*
11 *of documents or*
12 c. experts and consultants (and their staff and support personnel),

13 consulted by persons described in (a) or (b) above in connection
14 with this action (whether in preparation for trial or in
15 presentation of evidence, in connection with hearing, motions,
16 testimony, evaluation or advice, or otherwise in connection with
17 the case); or

18 d. court reporters while in the performance of their official duties,
19 provided that these persons may retain confidential documents
20 only for so long as is necessary for the conduct of their duties in
21 this case; or

22 e. any deponent and/or witness in this action, provided that these
23 persons may retain confidential documents only for so long as is
24 necessary for the conduct of their duties in this case; or

25 f. the District Court.
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1 4. Except for those persons identified in sub-paragraphs 3(a), (b), (d) and
2 (f) above, no person authorized under this Order to receive access to confidential
3 information and documents shall be granted access until the party intending to
4 make such disclosure has (i) provided such person with a copy of this Order and (ii)
5 the person has been given an opportunity to read this Order and agrees to be bound
6 by this Order and to have submitted to the continuing jurisdiction of the District
7 Court for the purposes of enforcing this Order. Counsel for the parties shall be
8 responsible for maintaining a list of such persons to whom the confidential
9 information and documents are disclosed (excluding those excepted in the previous
10 sentence). If any confidential information or documents have been disclosed to
11 anyone prior to the entry of this Order, then the disclosing person will inform the
12 recipient of the existence of this Order within one week of the entry of this Order.
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17 5. The provisions of this Order shall not terminate at the conclusion of
18 this action but shall survive the same. Other than (i) copies of confidential
19 documents produced under this Stipulated Protective Order for distribution to
20 persons listed in paragraph 3, (ii) copies used during discovery, and (iii) copies
21 submitted to the District Court, the confidential information and documents shall
22 not be duplicated. All copies of confidential information and documents under this
23 Order (other than documents submitted to the Court), shall be collected by counsel
24 distributing same within 30 days after the final conclusion or settlement of this
25 action, and shall be either destroyed or returned to the party producing them.
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[PROPOSED] PROTECTIVE ORDER FOR
CONFIDENTIAL TREATMENT OF
DOCUMENTS OR INFORMATION

1 6. If, at any time when the confidential information and documents are in
2 the possession of any party to whom they have been produced, the confidential
3 information or documents are subpoenaed by any court, administrative or
4 legislative body, or any other person purporting to have authority to subpoena such
5 documents and/or information, the party to whom the subpoena is directed will not
6 produce such documents or information without giving written notice of the
7 subpoena (including the delivery of a copy thereof) to the appropriate party within
8 48 hours after receipt of the subpoena.
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11 7. If a party wishes to make a disclosure not permitted by paragraph 3(a)-
12 (f), the party's counsel shall not effectuate such disclosure without first obtaining
13 the consent of the producing party's counsel. If the producing party's counsel is
14 not agreeable to the planned disclosure, then the party seeking the disclosure may
15 request the approval of the Court to effectuate such disclosure, provided that proper
16 notice of hearing before the Court is given to the opposing counsel.
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21 8. Absent any specific order from the Court regarding the use of
22 confidential information or documents in connection with any motion, opposition,
23 or other pleading in this case, any documents available for public viewing
24 containing confidential information or documents may be filed as usual or as
25 customary:
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- a. by the party that produced the confidential information or documents.
- b. by the party that did not produce the confidential information or documents if, after a conference between counsel for the parties at least one week before filing, the party who produced the confidential information or documents consents. If, however, the producing party believes and asserts that such confidential information or documents should be placed under seal at the time of, or after, the filing, then that party may file a motion in an effort to accomplish same in the event that the other party declines in good faith during the conference to file the confidential information or documents under seal. If a conference between counsel is not held one week before filing, then the confidential information or documents must be filed with an application to file under seal pursuant to Local Rule 79-5.

9. Any party may seek to modify, expand, cancel, or supersede this Order by stipulation of the parties or by motion on notice. Nothing in this Order shall:
- a. prejudice in any way the rights of any party to object to the production of documents that it considers not subject to discovery.

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- b. prejudice in any way the rights of a party to seek a Court determination of whether particular discovery matters should be produced or, if produced, whether such material should be subject to the terms of this Order; or
- c. prejudice in any way the rights of a party to apply to the Court for further orders relating to any confidential information or documents.

10. This Order shall not limit any party from seeking a modification of this Order or further protection from the District Court.

IT IS SO ORDERED.

5/13/14

Alicia G. Rosenberg
 MAGISTRATE
 UNITED STATES DISTRICT COURT JUDGE
 HON. JOHN F. WALTER ALICIA G. ROSENBERG

APPROVED AS TO FORM:

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