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SAN LUIS AMBULANCE SERVICE, INC.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LESLIE M. JAVINE,
Plaintiff,

vs.

SAN LUIS AMBULANCE
SERVICE, INC.,
Defendant.

CASE NO. CV13-07480-BRO (SSx)
[Magistrate Judge Suzanne H Segal]

~~[PROPOSED]~~ PROTECTIVE ORDER
RESTRICTING DISLCOSURE OF
PRIVACY PROTECTED CONTACT
INFORMATION

Plaintiff and putative class representative Leslie M. Javine ("plaintiff") and Defendant San Luis Ambulance Service, Inc. ("defendant"), by and through their respective counsel have stipulated and agreed to the following Protective Order and *Belaire* Notice, and have jointly requested the Court to enter an order authorizing and approving the Notice and protective order restricting use of any personal contact information disclosed following completion of the notice process. Pursuant to the stipulation of the parties, and Fed. R. Civ. Proc., Rules 26(c) and 29(b), the Court now makes the following Order:

1. A notice in substantially the same form as the attached Exhibit A shall be sent to the last known address of each person employed by San Luis Ambulance as a non-exempt EMT and Paramedic at any time from October 10, 2009 through

CV13-07480-BRO (SSX)

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1 October 9, 2013 ("the Notice Class").

2 2. As requested by Plaintiff, a third party administrator agreed upon by
3 the parties ("Administrator") shall issue the notice. The cost of the Administrator
4 and the notice under this Order shall be paid by Plaintiff, the party who propounded
5 the discovery seeking the information.

6 3. The notice process shall be administered as follows:

7 a. Defendant shall compile and provide to the Administrator a list
8 of the last known names, addresses and phone numbers for the Notice Class no later
9 than five (5) court days after notice of entry of this Order.

10 b. Notices and opt-out postcards shall be printed and mailed to the
11 Notice Class as soon as practical, but no later than five (5) court days after receipt
12 of the Notice Class list by the Administrator. The Administrator shall run the
13 names and addresses through the NCOA database before mailing.

14 c. The opt-out period shall expire 21 days after the date the notices
15 are mailed. Before the expiration of the opt-out period, any Notice Class member
16 may return an opt-out postcard or may submit a signed writing expressly opting out
17 of participation in the action or objecting to disclosure of his or her contact
18 information.

19 d. For any notice returned as undeliverable during the opt-out
20 period, the Administrator will perform a skip/trace and mail the notice to any new
21 address(es) obtained as a result of the skip/trace. The opt-out period applicable to
22 each such Notice Class member shall run from the date of such re-mailing to him or
23 her.

24 e. Three (3) court days after expiration of the opt-out period, the
25 Administrator shall provide Plaintiff's counsel and Defendants' counsel with a list
26 of Notice Class members (including their last known addresses and phone numbers)
27 that excludes all Notice Class members who objected under 2(c) to the disclosure of
28 their contact information to Plaintiff' counsel.

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1 f. Any Notice Class contact information Plaintiff's counsel of
 2 record obtains through this notice process shall not be provided or disclosed to any
 3 other person or entity (including any other client) without a prior order of the Court.
 4 This contact information shall be available to, and may be used only, by Plaintiff's
 5 counsel of record and those of their attorneys and employees reasonably necessary
 6 for the purposes of conducting discovery concerning only the claims in Plaintiff's
 7 complaint in the above-captioned matter. The Notice Class list provided to
 8 Plaintiff's counsel under this Court's Order shall be designated and clearly marked
 9 "Attorneys' Eyes Only – Confidential Pursuant to Protective Order." Any person
 10 with whom the Notice Class list is shared as permitted above shall be informed of
 11 this Stipulation and the Court's Order and shall agree to be bound by and to obey
 12 the restrictions on use of the Notice Class list.

13 g. Violation of the restrictions set forth in paragraph 3(f) above
 14 shall result in the imposition of sanctions, including on the person(s) committing
 15 the violation, by this Court.

16 **IT IS SO ORDERED.**

17 Dated: 8/26/14

18 
 19 HON. SUZANNE H. SEGAL
 20 MAGISTRATE JUDGE

21 HFB 1427062.3 S0558002

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EXHIBIT A

NOTICE ABOUT YOUR PRIVACY RIGHTS

You are receiving this Notice because you worked for San Luis Ambulance, Inc. as an EMT or Paramedic between October 10, 2009 and today.

What This Is About.

Former San Luis Ambulance, Inc. ("SLA") employee Leslie Javine ("Plaintiff") has filed a lawsuit against SLA. Plaintiff seeks to assert claims on behalf of herself and other paramedics and EMTs employed since October 10, 2009 who allegedly have been subjected to violations of the California Labor Code and federal Fair Labor Standards Act ("FLSA") (the "Proposed Classes"). The lawsuit is pending in the United States District Court for the Central District of California.

Plaintiff contends that the Proposed Classes were not paid all wages and overtime due to them and were not provided with accurate paycheck stubs as required by California law. She seeks to recover wages, penalties and attorneys' fees for these claims. Plaintiff intends to ask the Court to certify this case as a class and collective action, which if permitted and if successful at trial, would permit her to recover money and attorneys' fees for herself and other workers who the Court determines are part of the Proposed Classes or who consent to join the collective action.

SLA denies all of Plaintiff's allegations. SLA also denies that this case is appropriate for class action or collective action treatment and contends that Plaintiff is not entitled to recover anything – no damages, no wages, no penalties, no attorneys fees – for herself or anyone else.

The Court has yet to determine whether the lawsuit should proceed as a class or collective action. The Court also has not issued any opinion whether or not Plaintiff's claims have any merit.

Why You Are Receiving This Notice.

Plaintiff has asked SLA to turn over your name, home address, and phone number(s) to Plaintiff's attorneys, so they can contact you about the lawsuit. To protect your privacy, you are being sent this notice, so you can choose whether or not to have your private contact information disclosed.

Your Options

You may prevent the disclosure of your personal contact information or you may allow it.

Option 1: Do Nothing. If you do not object or otherwise opt out before September __, 2014, then your name, home address, and phone number(s) will be disclosed to Plaintiff's attorneys, and they may contact you.

Option 2: Object to the Disclosure of Your Contact Information. If you do not want your name, address and phone numbers disclosed to Plaintiff's attorneys, you must complete, sign and send the enclosed postcard no later than September __, 2014, or you may before that date submit to SLA a signed, written statement indicating that you do not wish to participate in the lawsuit or do not wish to have your information disclosed.

If you have any questions about this Notice or wish to exercise your option to prevent the disclosure of your personal contact information, please contact: CPT Group, Inc., 16630 Aston, Irvine, CA 92606. Telephone: 1-(888) 373-2581.

[POSTCARD]

**RETURN THIS FORM TO OBJECT TO THE DISCLOSURE OF YOUR PRIVATE CONTACT
INFORMATION TO ATTORNEYS FOR PLAINTIFF LESLIE JAVINE**

Leslie Javine v. San Luis Ambulance, Inc.

United States District Court, Central District of California, Case No. CV13-07480-BRO (SSx)

Complete and mail this postcard if you do **not** consent to your name, home address and personal phone number(s) being disclosed to the Plaintiff's attorneys.

I, _____, do NOT give permission for my name and contact information to be released to attorneys for Plaintiff.

This postcard must be signed and postmarked on or before September __, 2014.

NAME: _____

SIGNATURE: _____

DATE: _____