

1 LATHAM & WATKINS LLP
 2 Bradley A. Hyde (Bar No. 301145)
 3 *bradley.hyde@lw.com*
 4 650 Town Center Drive - 20th Floor
 5 Costa Mesa, California 92626-1925
 6 Telephone: (714) 540-1235
 7 Facsimile: (714) 755-8290

8 Attorney for Plaintiffs SEOUL
 9 SEMICONDUCTOR CO., LTD. and
 10 SEOUL VIOSYS CO., LTD.

11 HOLLAND & KNIGHT LLP
 12 Stacey H. Wang
 13 *stacey.wang@hklaw.com*
 14 400 South Hope Street 8th Floor
 15 Los Angeles, CA 90071-2040
 16 Telephone: 213-896-2400
 17 Facsimile: 213-896-2450

18 Attorney for Plaintiff
 19 THE REGENTS OF THE
 20 UNIVERSITY OF CALIFORNIA

FEINBERG DAY ALBERTI and
 THOMPSON LLP
 Elizabeth Day
eday@feinday.com
 1600 El Camino Real
 Suite 280
 Menlo Park, CA 94025
 650-618-4360
 650-618-4368 (fax)

Attorney for Defendant
 K-MART CORPORATION

[ADDITIONAL COUNSEL LISTED
 ON SIGNATURE PAGE]

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

21 SEOUL SEMICONDUCTOR CO.,
 22 LTD., a Korean corporation, SEOUL
 23 VIOSYS CO., LTD., a Korean
 24 corporation, and THE REGENTS OF
 25 THE UNIVERSITY OF CALIFORNIA,

Plaintiffs,

v.

26 KMART CORPORATION, a Michigan
 27 corporation,

Defendant.

CASE NO. 2:16-cv-06782-SJO-JEM

**[PROPOSED] STIPULATED
 ORDER PURSUANT TO
 FEDERAL RULE OF EVIDENCE
 502(d)**

1 WHEREAS, the parties to the above-captioned litigation will engage in
2 discovery pursuant to the Federal Rules of Civil Procedure, including the production
3 of documents and electronically-stored information (“ESI”); and

4 WHEREAS, pursuant to Federal Rule of Evidence 502(d), the Court may
5 enter an order declaring that the attorney-client privilege and work product
6 protection are not waived by the disclosure of documents or information, during the
7 course of the litigation pending before the Court, that would otherwise be entitled to
8 such privilege or protection; and

9 WHEREAS, the parties have met and conferred and agree that, subject to the
10 provisions of this Order, if a party (the “Producing Party”) discloses information in
11 connection with the pending litigation that the Producing Party thereafter claims to
12 be privileged or protected by the attorney-client privilege or work product
13 protection (“Protected Information”), the disclosure of that Protected Information
14 will not constitute or be deemed a waiver or forfeiture--in this or any other federal
15 or state action--of any claim of privilege or work product protection that the
16 Producing Party would otherwise be entitled to assert with respect to the Protected
17 Information and its subject matter;

18 THEREFORE, in order to preserve the protections afforded by the attorney-
19 client privilege and work product doctrine to documents and information disclosed
20 by the respective parties in connection with this litigation, and pursuant to the
21 Court’s authority under Federal Rule of Civil Procedure 26(c) and Federal Rule of
22 Evidence 502, the parties hereby stipulate and submit as follows:

23 1. This Order protects *any* disclosure of Protected Information, whether
24 that disclosure is inadvertent or otherwise.

25 2. Each party is entitled to decide, in its sole discretion, the appropriate
26 degree of care to exercise in reviewing materials for privilege. Irrespective of the
27 care that is actually exercised in reviewing materials for privilege, the Court hereby
28 orders that disclosure of Protected Information in discovery conducted in this

1 litigation shall not waive any claim of privilege or work product protection that the
2 Producing Party would otherwise be entitled to assert with respect to the Protected
3 Information and its subject matter.

4 3. A Producing Party must notify the party receiving the Protected
5 Information (“the Receiving Party”), in writing, that it has disclosed that Protected
6 Information without intending a waiver by the disclosure. Upon receipt of
7 notification, the Receiving Party shall immediately take all reasonable steps to
8 destroy or return all copies, electronic or otherwise, of such documents or other
9 information, and shall provide a certification that it will cease further review,
10 dissemination, and use of the Protected Information. The Receiving Party’s
11 reasonable steps shall not require the return or destruction of Protected Information
12 that is stored on backup storage media made in accordance with regular data backup
13 procedures for disaster recovery purposes. Backup storage media will not be
14 restored for purposes of returning or certifying destruction of Protected Information,
15 but such retained information shall continue to be treated in accordance with the
16 Order.

17 4. This Order shall be interpreted to provide the maximum protection
18 allowed to the Producing Party by Federal Rule of Evidence 502(d). The provisions
19 of Federal Rule of Evidence 502(b)(2) are inapplicable to the production of
20 Protected Information under this Order. However, if for any reason, a Court finds
21 that this Section is inapplicable to Protected Information, then Rule 502(b) will
22 apply in its absence.

23 5. Nothing in this Order shall limit the Receiving Party’s right to
24 challenge (on grounds unrelated to the fact or circumstances of the disclosure) the
25 Producing Party’s claim that Disclosed Information is protected from disclosure by
26 the attorney-client privilege or work product doctrine. If, after undertaking an
27 appropriate meet-and-confer process, the Parties are unable to resolve any dispute
28 they have concerning the protection of documents for which a claim of Disclosure

1 has been asserted, the Receiving Party may file the appropriate motion or
2 application as provided by the Court's procedures to compel production of such
3 material. Any Protected Information submitted to the Court in connection with a
4 challenge to the Producing Party's claim of attorney-client privilege or work
5 product protection shall not be filed in the public record, but rather shall be
6 redacted, filed under seal, or submitted for in camera review.

7 IT IS SO STIPULATED.

8 Dated: January 27, 2017

/s/ Bradley A. Hyde

LATHAM & WATKINS LLP
Bradley A. Hyde (Bar No. 301145)
bradley.hyde@lw.com
650 Town Center Drive - 20th Floor
Costa Mesa, California 92626-1925
Telephone: (714) 540-1235
Facsimile: (714) 755-8290

LATHAM & WATKINS LLP
Lawrence J. Gotts (admitted *pro hac vice*)
lawrence.gotts@lw.com
555 Eleventh Street, N.W. Suite 1000
Washington, D.C. 20004-1304
Telephone: (202) 637-2200
Facsimile: (202) 637-2201

LATHAM & WATKINS LLP
Charles H. Sanders (admitted *pro hac vice*)
charles.sanders@lw.com
John Hancock Tower, 27th Floor
200 Clarendon Street
Boston, Massachusetts 02116
Telephone: (617) 948-6000
Facsimile: (617) 948-6001

Attorneys for Plaintiffs
SEOUL SEMICONDUCTOR CO., LTD.
and SEOUL VIOSYS CO., LTD.

23 Dated: January 27, 2017

By: /s/ Stacey H. Wang

HOLLAND and KNIGHT LLP
Stacey Hsiang Chun Wang
stacey.wang@hklaw.com
400 South Hope Street 8th Floor
Los Angeles, CA 90071-2040
213-896-2400
213-896-2450 (fax)

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Michael Bradley Eisenberg
michael.eisenberg@hklaw.com
31 West 52nd Street
New York, NY 10019
212-513-3200
212-385-9010 (fax)

HOLLAND and KNIGHT LLP

Attorneys for Plaintiff
THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA

Dated: January 27, 2017

/s/ Elizabeth Day
FEINBERG DAY ALBERTI and
THOMPSON LLP
Elizabeth Day
eday@feinday.com
1600 El Camino Real
Suite 280
Menlo Park, CA 94025
650-618-4360
650-618-4368 (fax)

Attorney for Defendant
K-MART CORPORATION

SIGNATURE ATTESTATION

Pursuant to Civil L.R. 5-4.3.4(a)(2)(i), I hereby attest that all other signatories listed, and on whose behalf the filing is submitted, concur in this document's content and have authorized the filing of this document with the use of their electronic signature.

Dated: January 27, 2017

/s/ Bradley A. Hyde
LATHAM & WATKINS LLP
Bradley A. Hyde (Bar No. 301145)
bradley.hyde@lw.com
650 Town Center Drive - 20th Floor
Costa Mesa, California 92626-1925
Telephone: (714) 540-1235
Facsimile: (714) 755-8290

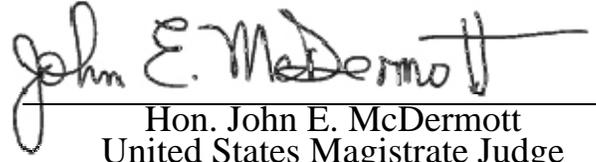
Attorney for Plaintiffs
SEOUL SEMICONDUCTOR CO., LTD.
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: February 1, 2017


Hon. John E. McDermott
United States Magistrate Judge