

1 WILLARD K. TOM
General Counsel

2 DAVID M. NEWMAN (Calif. Bar #54218)
3 ERIC D. EDMONDSON (D.C. Bar #450294)
4 EVAN ROSE (Calif. Bar #253478)
5 KERRY O'BRIEN (Calif. Bar #149264)
Federal Trade Commission
6 901 Market Street, Suite 570
San Francisco, CA 94103
7 P: 415-848-5100; F: 415-848-5184
dnewman@ftc.gov; eedmondson@ftc.gov
erose@ftc.gov; kobrien@ftc.gov

8 RAYMOND E. MCKOWN (Calif. Bar #150975)
Federal Trade Commission
9 10877 Wilshire Boulevard, Suite 700
Los Angeles, CA 90024
10 P: 310-824-4343; F: 310-824-4380
rmckown@ftc.gov

11 Attorneys for Plaintiff
12 Federal Trade Commission

13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA
15 SOUTHERN DIVISION

16 FEDERAL TRADE COMMISSION,
17 Plaintiff,
18 v.
19 COMMERCE PLANET, INC., a
20 corporation,
21 and
22 MICHAEL HILL, CHARLES
GUGLIUZZA, and
23 AARON GRAVITZ, individually and as
officers of COMMERCE PLANET, INC.,
24 Defendants.

Case No. SACV-09-01324 CJC
(RNBx)

**[PROPOSED]
PROTECTIVE ORDER TO
TREAT AS CONFIDENTIAL
PLAINTIFF'S TRIAL
EXHIBITS 326, 1180, 1185,
1187, 1240-45, 1262, AND 1286**

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PROTECTIVE ORDER

1 Trial commenced in this matter on Tuesday, January 31, 2012. In the
2 presentation of its case, Plaintiff has offered or intends to offer into evidence
3 certain exhibits that contain personal data identifiers, as defined in Local Rule 79-
4 5.4, such as home addresses. All of these proposed exhibits (with the exception of
5 Exhibits 326 and 1262) are electronically stored information (“ESI”) kept in their
6 native format, and all are quite voluminous. Plaintiff has offered or intends to
7 offer them as foundational evidence to support its claims. As such, these proposed
8 exhibits cannot be redacted pursuant to L.R. 79-5.4 because: (1) any such
9 redaction would materially change the ESI within them and thereby threaten their
10 evidentiary value; and/or (2) redaction is impractical because the exhibits are so
11 voluminous.

12 In order to protect the personal data identifiers in these proposed exhibits,
13 and for good cause shown,

14 IT IS HEREBY ORDERED THAT:

15 In the event the below-referenced exhibits are offered into evidence, they
16 shall be preserved as confidential. Defendant Charles Gugliuzza does not waive
17 any objections to the introduction of the below-referenced exhibits at trial. The
18 proposed exhibits covered by this Protective Order shall include the following:

Exhibit	Description
Plaintiff’s Exhibit 326	Excel spreadsheet of consumer complaints received by Commerce Planet (spreadsheet created by Bruce Gale)
Plaintiff’s Exhibit 1180	Gale Dec Attachment 4 (Email archives) FTC_CP_005794.xls [native file]
Plaintiff’s Exhibits 1185, 1187, and 1240-41	Customer service call recordings
Plaintiff’s Exhibits 1242-45	Email complaint files in .pst format

Exhibit	Description
Plaintiff's Exhibit 1262	Scanned hard copy consumer complaints in .pdf format
Plaintiff's Exhibit 1286	Customer database in .mdb format

At all trial proceedings in this matter, the above proposed exhibits will be covered by this Protective Order and shall be used only for prosecution and/or defense of this or other litigation involving the Plaintiff and Trial Defendant and under no circumstances, other than those specifically provided for in this or subsequent court orders, shall such material be disclosed to persons other than Qualified Persons.

“Qualified person(s)” shall mean and refer to:

- (a) Outside or inside counsel that have appeared for Plaintiff or Trial Defendant in the captioned case and regular and temporary employees of such counsel assisting in the conduct of such case, including employees of any firm retained to reproduce the above proposed exhibits for use in accordance with this Protective Order;
- (b) Experts or consultants assisting counsel in this litigation;
- (c) Employees of Trial Defendant who are required to assist counsel in the conduct of this action;
- (d) Employees of the Federal Trade Commission or other United States law enforcement agency involved in investigating or litigating against the defendants;
- (e) Directors, officers, and employees of Defendants who are designated as trial witnesses and other persons who counsel for Plaintiff in good faith believes may be fact or expert witnesses at trial to the extent deemed necessary by counsel for the

1 witnesses' preparation for testimony;

2 (f) Witnesses, and their counsel, during the course of testimony
3 presented in this action, and court reporters and persons
4 preparing transcripts of that testimony;

5 (g) The Court and Court personnel;

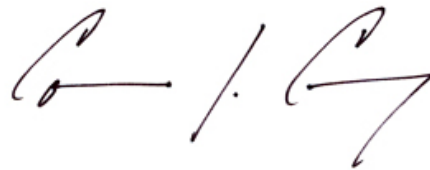
6 (h) Any person, pursuant to a stipulation by Plaintiff and Trial
7 Defendant; and

8 (i) Other persons only upon order of the Court.

9 Each person given access to the above proposed exhibits shall be advised
10 that the material or information is being disclosed pursuant and subject to the
11 terms of this Protective Order and may not be disclosed other than pursuant to its
12 terms.

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14 IT IS SO ORDERED:

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16 Dated: February 14, 2012



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UNITED STATES DISTRICT JUDGE

Presented by:

22 /s/ Evan Rose
23 _____
24 DAVID M. NEWMAN
25 ERIC D. EDMONDSON
26 EVAN ROSE
27 KERRY O'BRIEN
28 RAYMOND E. MCKOWN

Attorneys for Plaintiff
FEDERAL TRADE COMMISSION