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16 **Attorneys for Defendant**

17 **UNITED STATES DISTRICT COURT**
18 **EASTERN DISTRICT OF CALIFORNIA**
19 **FRESNO DIVISION**

19 TYRUS COLLINS, ET AL.,)
20)
21 Plaintiffs,) No. 1:10-CV-00500-OWW-GSA
22)
23 v.) **STIPULATED PROTECTIVE**
24) **ORDER REGARDING**
25 CARGILL MEAT LOGISTIC SOLUTIONS,) **PRODUCTION OF**
26 INC.,) **CONFIDENTIAL INFORMATION**
27)
28 Defendant.) **Hon. Oliver W. Wanger**
_____)

27 WHEREAS, the parties are engaged in discovery in this case;

1 WHEREAS, the parties agree that there may be confidential personnel information related
2 to Defendant's current and former employees, who are and are not parties to this action and trade
3 secrets and other confidential research, development or commercial information related to
4 Defendant's business that should be given the protection of a court order to prevent disclosure to
5 persons other than those set forth below;
6

7 WHEREAS, the parties agree that public disclosure of confidential personnel information
8 of such parties and non-parties and confidential information regarding Defendant's business
9 operations is not necessary;

10 WHEREAS, the parties agree that the discovery of information regarding confidential
11 personnel information of such parties and non-parties and Defendant's proprietary business
12 operations may be permissible in this case and that some information may be relevant or
13 reasonably calculated to lead to the discovery of admissible evidence; and
14

15 WHEREAS, the parties agree and stipulate to this Protective Order and stipulate that good
16 cause exists to enter this Protective Order pursuant to Fed. R. Civ. P. 26(c);

17 IT IS, THEREFORE, HEREBY ORDERED THAT:

18 1. The Scope of the Order:

19 a. The terms "confidential personnel information" shall mean any information related
20 to an individual's employment with Defendant, whether current or past, concerning
21 the individual's wages, hours or terms and conditions of employment, including but
22 not limited to any disciplinary records or medical records;

23 b. The terms "trade secrets" or "other confidential research, development or
24 commercial information" are used in this Order in the same sense that the terms are
25 used in Fed. R. Civ. P. 26(c)(1).
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1 c. The terms of this Protective Order shall apply to all confidential documents
2 produced by Plaintiffs and Defendant in this case, any of the parties' interrogatory
3 answers designated confidential and information gathered, obtained, recorded,
4 analyzed or summarized by the parties' counsel and/or the parties' expert witnesses,
5 including any expert reports or other written materials prepared by the parties'
6 expert witnesses in connection with the above-captioned cases.
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8 2. Designation of Information and Documents.

9 a. The parties may designate in writing as confidential any information or documents
10 they claim falls under the provisions of paragraph 1(a) and (b) of this Order.

11 b. In the event that either party disputes the Designating Party's designation of
12 information as set forth in paragraph 2(a) of this Order, the party challenging the
13 designation shall first contact the Designating Party's counsel and confer in good
14 faith regarding a resolution of the dispute. If such conference does not produce a
15 resolution, the Designating Party may petition the Court for a ruling on such
16 designation.
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18 c. The parties, their attorneys (including employees of their attorneys) and experts
19 shall only disclose information designated confidential pursuant to paragraph 2(a) of
20 this Order in accordance with the provisions of this Order.
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22 d. The parties, their attorneys (including employees of their attorneys) and experts
23 shall only disclose information whose confidentiality is disputed pursuant to
24 paragraph 2(b) of this Order if permitted by the Court to do so.

25 3. Disclosure of Information and Documents.
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1 The parties, their attorneys (including employees of their attorneys) and experts shall not
2 disclose, distribute or disseminate documents or information designated as confidential pursuant to
3 paragraph 2 of this Order except to the following:

4 The parties in the present suit and their agents and representatives for use in prosecution of
5 the present suit.

6
7 4. The inadvertent or unintentional production or disclosure of information, including
8 confidential or proprietary information without being designated as confidential shall not be
9 deemed a waiver of a claim of confidentiality by the parties.

10 5. This Protective Order is not intended and shall not be construed to require the
11 parties to produce any documents or information not otherwise subject to discovery under the
12 Federal Rules of Civil Procedure.

13
14 6. Notwithstanding any provision herein, the parties have not by entering into this
15 Protective Order, waived any evidentiary objection with respect to any document or information
16 produced in this action, including, but not limited to information pertaining to or arising from the
17 inspection, observation, and recording of activities at Defendant's meat grinding operation in
18 Fresno, California.

19 7. Notwithstanding anything contained in this Protective Order to the contrary, any
20 party has the right to petition the Court for a modification, change, or revocation might otherwise
21 be entitled to assert regarding any discovery matter or other issue in these actions. This Protective
22 Order is entered at this time to facilitate discovery and to save time and expense to the parties and
23 the Court.
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26 Stipulation Entered into by:

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Dated: September 2, 2010

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE