1	JOHN V. HAGER (SBN 61384) ALISON M. BERNAL (SBN 264629) HAGER & DOWLING	
3	319 East Carrillo Street Santa Barbara, California 93101 805-966-4700; Fax: 805-966-4120	
4	mail@hdlaw.com	
5	Attorneys for Defendant, THE AMERICAN INSURANCE COMPANY	
6		
7		
8	UNITED STATES	DISTRICT COURT
9	EASTERN DISTRICT OF CAL	LIFORNIA, FRESNO DIVISION
10		
11	THE MEAT MARKET, INC., dba State Center Foods,	CASE No. 1:11-CV-00983-AWI -DLB Hon. Anthony W. Ishii, District Judge:
12	Plaintiff,	Hon. Anthony W. Ishii, District Judge; Hon. Dennis L. Beck. Magistrate Judge
13	V.	STIPULATION FOR PROTECTIVE ORDER OF NONDISCLOSURE
14	THE AMERICAN INSURANCE	AND CONFIDENTIALITY; ORDER
15	COMPANY, and DOES 1 through 50, inclusive,	
16	Defendants.	
17		Trial Date: None Set
18		
19	WHEREAS plaintiff to this action, Th	e Meat Market, Inc., wishes to have access to
20	The American Insurance Company's claim m	nanual and other training documents for
21	purposes of prosecuting this lawsuit; and	
22	WHEREAS The American Insurance	Company contends its claims manual and
23	related documents contain trade secret privile	eged information that (1) derives independent
24	economic value, actual or potential, from not	being generally known to the public or to
25	other persons who can obtain economic value	e from its disclosure or use; and (2) is the
26	subject of efforts that are reasonable under th	e circumstances to maintain its secrecy; and
27	WHEREAS The American Insurance	Company wishes to have access to attorney
28	billing records and fee agreements that purpo	ortedly support The Meat Market, Inc.'s claim STIPULATION FOR PROTECTIVE ORDER OF NONDISCLOSURE AND CONFIDENTIALITY; ORDER

1	for attorneys fees; and	
---	-------------------------	--

2	WHEREAS The Meat Market contends its attorneys' billing and fee agreement	
3	contain attorney-client and/or attorney work product privileged information; and	
4	WHEREAS The American Insurance Company contends that it could suffer	
5	irreparable harm if the protected documents or their contents were subjected to	
6	unauthorized disclosure, as the documents contain protected information regarding the	
7	procedures and training employed by The American Insurance Company; and	
8	WHEREAS The Meat Market and its attorneys contend that they would suffer	
9	irreparable harm if the protected documents or their contents were subjected to	
10	unauthorized material, as the documents contain privileged information regarding the	
11	attorneys' billing .	
12	NOW, THEREFORE, the parties stipulate as follows:	
13	1. The protected documents to be produced subject to this protective order shall,	
14	prior to being produced by The American Insurance Company, be stamped with a notation	
15	on each page thereof stating the following:	
16	PROTECTED DOCUMENT	
17 18	<i>The Meat Market v. The American Insurance Company</i> , Case No. 1:11-CV-00983-AWI -DLB. This document is subject to a protective order. Unauthorized disclosure is prohibited.	
19	2. Counsel for the parties receiving copies of the protected documents shall treat	
20	the documents and their contents as confidential, to be used only for the purposes of this	
21	litigation. In particular, counsel shall not give, show or disclose the contents of any such	
22	document to any other person or entity except:	
23	(a) the court and its employees under seal, provided however, that no	
24	document shall be filed under seal unless the provisions of California Rules of Court,	
25	Rules 2.550 to 2.551 have been satisfied;	
26	(b) the parties' counsel of record, including partners and associate attorneys,	
27	and paralegal assistants, stenographic and clerical employees when working under the	
28	direct supervision of the counsel of record;	
	2 STIPULATION FOR PROTECTIVE ORDER OF NONDISCLOSURE AND CONFIDENTIALITY'	

1	(c) the parties' experts, consultants, agents and investigators who are or will		
2	be consulted or retained to assist the parties in their preparation for and conduct of pretrial		
3	and trial proceedings in this litigation;		
4	(d) court reporters during depositions, hearing or trial.		
5	3. Prior to providing or disclosing protected documents to any person described in		
6	subparagraphs 2(b) and/or 2(c), the parties' counsel shall first inform such person that the		
7	protected documents are to be treated as confidential, to be used only for purposes of this		
8	litigation, and that these restrictions are imposed by court order.		
9	4. Before providing protected documents to any person pursuant to section 2(c),		
10	plaintiff's counsel shall first provide such person with a copy of this protective order and		
11	have such person execute an acknowledgment and agreement to be bound by the terms of		
12	this protective order in the following form:		
13	ACKNOWLEDGMENT AND AGREEMENT REGARDING		
14	PROTECTED DOCUMENTS		
 15 16 17 18 19 	United State District Court, Eastern District of California, Court Case No. 1:11-CV-00983-AWI -DLB entitled <i>The Meat Market v. The American</i> <i>Insurance Company.</i> The undersigned acknowledges that he/she/it has received and read a copy of the protective order, understands the contents thereof, and agrees to be bound by its terms. The undersigned acknowledges that violation of the terms of this protective order could subject the undersigned to sanctions or damages as provided by law. The undersigned expressly submits to the jurisdiction of the United State District Court, Eastern District of California for purposes of any action which might be		
20	necessary to enforce the terms of this protective order.		
21	DATED:		
22	DATED:		
23	and retain such signed acknowledgment in its file, pending the final disposition of this		
24	action.		
25	5. The disclosure or production by The American Insurance Company of protected		
26	documents pursuant to this protective order shall not be deemed to concede the relevancy,		
27	competency or admissibility of any document or of any matter set forth therein, and is not		
28	intended to be a waiver of any privilege. 3 STIPULATION FOR PROTECTIVE ORDER OF NONDISCLOSURE AND CONFIDENTIALITY' ORDER		

6. Any documents stamped as containing any confidential information or any
 reference thereto, including without limitation all deposition transcripts, document requests
 and responses thereto, interrogatories, interrogatory answers, other discovery documents,
 briefs, motions, declarations, and/or points and authorities shall be subject to this
 protective order and shall not be served on or provided to any person other than the
 Authorized Parties designated in paragraph 2.

7 7. Upon request of The American Insurance Company and not later than thirty (30) 8 days following the final disposition of this action, whether by dismissal, settlement, final 9 judgment or otherwise, counsel for all other parties shall deliver to counsel for defendant 10 all copies of the protected documents in their possession or under their control, including 11 copies provided to experts, consultants and any other person described in subparagraphs 12 2(c). Counsel shall, concurrently with delivery of the protected documents, deliver to 13 defendant's counsel the signed acknowledgments regarding protective order executed per 14 paragraph 3, and shall provide written certificates to defendant's counsel that the terms of 15 the protective order have been complied with by counsel of record by the parties. DATED: January 23, 2012 HOPPE LAW GROUP 16 17 18 By: *Electronically Signed* 19 THEODORE W. HOPPE **BARBARA J. RUEGER** 20 Attorneys for Plaintiff, THE MEAT MARKET, INC. 21 22 DATED: January 23, 2012 HAGER & DOWLING 23 24 By: *Electronically Signed* 25 ALISON M. BERNAL Attorneys for Defendant, THE AMERICAN 26 **INSURANCE COMPANY** 27 28 STIPULATION FOR PROTECTIVE ORDER OF 4 NONDISCLOSURE AND CONFIDENTIALITY' ORDER

1	ORDER
2	On stipulation of the parties, and for good cause shown, the foregoing stipulation is
3	hereby an Order of this Court. However, paragraph 2. (a) shall be modified to read
4	the court and its employees under seal, provided however, that no document shall be filed under seal unless the provisions of Local Rules of Practice for the Eastern District of California, Rule 141 has been satisfied
5	District of California, Rule 141 has been satisfied
6	
7	IT IS SO ORDERED.
8	Dated: February 28, 2012 /s/ Dennis L. Beck
9	UNITED STATES MAGISTRATE JUDGE
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26 27	
27 28	
20	5 STIPULATION FOR PROTECTIVE ORDER OF NONDISCLOSURE AND CONFIDENTIALITY' ORDER