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14 certain claims  
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17  
18 UNITED STATES DISTRICT COURT

19 EASTERN DISTRICT OF CALIFORNIA

20 THOMAS T. HAWKER; JOHN J.  
21 INCANDELA; DAVE KRAECHAN;  
22 EDWIN JAY LEE; and EDWARD J.  
ROCHA,

23 Plaintiffs,

24 v.

25 BANCINSURE, INC. and DOES 1  
26 through 10,

27 Defendants.  
28

Case No: 1:12-cv-01261-SAB

**AMENDMENT TO STIPULATED  
PROTECTIVE ORDER**

1 Pursuant to Paragraph 5m of the Protective Order, Confidential  
2 Material may be disclosed to . . . “any other Person as to whom the parties  
3 agree in writing.” Protective Order at ¶ 5m (Docket No. 39). The use of  
4 Confidential Material produced or exchanged in this action, however, is  
5 limited to this action. See Protective Order at ¶ 4. The Federal Deposit  
6 Insurance Corporation in its capacity as receiver for other banks (“FDIC”)  
7 and Banclnsure are currently involved in other litigations, and anticipate  
8 additional litigation in the future, relating to insurance coverage for claims  
9 against the directors or officers of other failed financial institutions (“Similar  
10 Suits”). The FDIC and Banclnsure seek to share Confidential Material from  
11 this action with the counsel of record in the Similar Suits and their staff  
12 (“Counsel of Record”), the FDIC’s in-house counsel and their staff (“FDIC  
13 Counsel”), Banclnsure’s in-house counsel and their staff (“Banclnsure  
14 Counsel”), and consultants and experts necessarily involved in the conduct  
15 of the Similar Suits, to enable these persons to use Confidential Material  
16 subject to the terms of any protective order, the rules of civil procedure, and  
17 the rules of evidence applicable to the Similar Suits. In the event of any  
18 conflict between protective orders, the use of any Confidential Material  
19 used in a Similar Suit shall be governed by the protective order in the  
20 Similar Suit.

21 Accordingly, pursuant to Rule 26(c) of the Federal Rules of Civil  
22 Procedure, the stipulation of the parties, and for good cause shown, the  
23 Court hereby amends the Protective Order, entered in this action on  
24 September 28, 2012, as follows:

25 1. The parties may share Confidential Material with the Counsel of  
26 Record, FDIC Counsel, Banclnsure Counsel, and/or consultants and  
27 experts necessarily involved in the conduct of a Similar Suit, and enable  
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1 these persons to use Confidential Material, including any court filings filed  
2 under seal, in the Similar Suit subject to the terms of any protective order,  
3 the rules of civil procedure and the rules of evidence applicable to the  
4 Similar Suit.

5         2. A representative of the Counsel of Record for the FDIC and  
6 Banclnsure necessarily involved in the conduct of the Similar Suit must sign  
7 the acknowledgement in the form of Exhibit A to the Protective Order  
8 (Docket No. 39) before Confidential Material may be shared with 1)  
9 Counsel of Record, and 2) FDIC Counsel, or Banclnsure Counsel. The  
10 signature of the Counsel of Record on Exhibit A shall be sufficient to bind 1)  
11 their staff, and 2) the FDIC Counsel and their staff, or Banclnsure Counsel  
12 and their staff, to the terms of Exhibit A. The use of Confidential Material in  
13 any Similar Suit is subject to the terms of any protective order in place in  
14 the Similar Suit, the rules of civil procedure and the rules of evidence  
15 governing that Similar Suit. In addition, pursuant to the terms of any  
16 protective order in place in the Similar Suit, Confidential Material may be  
17 shared with the court, court reporters, stenographic reporters, court  
18 personnel, jurors, experts, consultants, witnesses and deponents, potential  
19 witnesses and deponents, mediators, arbitrators, and other parties  
20 providing support services necessary to the litigation of the Similar Suit.

21         3. Nothing in this paragraph shall relieve the FDIC or Banclnsure  
22 of any obligations to comply with any federal or state laws or statutes.  
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