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16 HAROLD and DOROTHY BENNETT and
DOROTHY PICKERING as Conservator of the Person
17 and Estate of Harold Bennett

18
19 UNITED STATES DISTRICT COURT
20 EASTERN DISTRICT OF CALIFORNIA (FRESNO DIVISION)

21 HAROLD and DOROTHY BENNETT,
22 Plaintiffs,
23 vs.
24
25 STATE FARM GENERAL INSURANCE
26 COMPANY, and DOES 1 through 100,
inclusive,
27 Defendant.

CASE NO. 1:14-CV-01377 GEB JLT
**STIPULATION AND ORDER
GRANTING STIPULATION MODIFIED
BY THE COURT FOR A PROTECTIVE
ORDER**
(Doc. 27)

1 **I.**
2 **STIPULATION AND PROTECTIVE ORDER REGARDING**
3 **PRODUCTION OF STATE FARM'S DOCUMENTS**

4 Defendant State Farm General Insurance Company ("State Farm") and Dorothy Pickering,
5 Plaintiff for decedent Dorothy Bennett and Conservator for Plaintiff Harrold Bennett ("Plaintiff")
6 hereby stipulate to the following protective order with respect to and to accommodate State Farm's
7 production of certain documents in response to requests for production of documents propounded in
8 this matter.

9 **II.**
10 **PRODUCTION OF DOCUMENTS AND CUSTODY OF THE SAME**

11 State Farm will produce responsive documents to Plaintiffs' document requests (the
12 "Documents") that have been requested and withheld based upon the proprietary, trade secret,
13 confidential objections, without waiving those objections. The documents requested contain
14 information that is protected as proprietary, confidential, and includes trade-secrets. As such, a
15 court Order is necessary to protect State Farm's Documents containing proprietary, confidential,
16 and trade secret information, and to bring within the Court's jurisdiction any person who makes an
17 improper disclosure of those Documents. Production of those Documents hereinafter specified
18 shall take place by mail from and/or at:

19 Hayes Scott Bonino Ellingson & McLay, LLP
20 203 Redwood Shores Parkway, Suite 480
21 Redwood City, CA 94065

22 and shall proceed in the following manner:

- 23 a) This Order shall be served on all parties;
- 24 b) All parties and counsel for all parties herein shall be subject to the Court Order for
25 the purpose of limiting the dissemination of the Documents produced hereunder;
- 26 c) Those persons viewing the requested Documents or copies of the same shall agree to
27 the terms and conditions set forth in the Inspection and Viewing Record Agreement attached hereto;
28 and
- d) Copies of all Documents produced by State Farm shall be designated

1 “CONFIDENTIAL DOCUMENTS SUBJECT TO STIPULATION AND COURT ORDER” or a
2 form of similar effect.

3 e) In the event the parties agree to produce any documents pursuant to this stipulation
4 in advance of the court’s execution of the order, the parties hereby agree to fully abide by their
5 respective rights and obligations herein as a stipulation and contract and as though this stipulation
6 was approved and ordered by the court.

7 **III.**
8 **PERSONS AUTHORIZED TO TAKE CUSTODY**

9 Only attorneys for parties of record, and law clerks, secretaries, translators, and qualified
10 stenographers for said attorneys, and any experts actually hired for consultation and/or testimony in
11 connection with this case, shall be allowed to view and retain custody of copies of the “Documents”
12 or notes taken therefrom.

13 **IV.**
14 **PROCEDURE FOR GRANTING CUSTODY**

15 Prior to granting custody of copies of the subject Documents or notes taken therefrom, each
16 person who is to take such custody shall be brought within the personal jurisdiction of the Court,
17 including its contempt power, by signing a copy of this order signifying agreement to its provisions
18 and consent to jurisdiction of the Court over his or her person for any proceedings involving alleged
19 improper disclosures. Each such signature shall be made under penalty of perjury.

20 The failure to have each person sign a copy of this order prior to granting custody of copies
21 of the subject documents or notes taken therefrom, will result in the prohibition of the parties using
22 these documents for any purpose including this case.

23 **V.**
24 **INSPECTION AND VIEWING RECORD AGREEMENT**

25 No person shall be allowed or authorized to examine any portion of said Documents or notes
26 arising therefrom, or to discuss the contents of either, until such persons has:

- 27 (1) Read this Court Order; and
28 (2) Completed and signed the “Inspection and Viewing Record Agreement” attached
hereto as Exhibit “A”.

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VI.
JURISDICTION

Each person signing the “Inspection and Viewing Record Agreement” thereby agrees to be subject to the jurisdiction of this Court for contempt and other appropriate proceedings in the event of an alleged violation of this Protective Order.

VII.
NON-DISCLOSURE

No person authorized hereunder to view copies of the Documents or to make notes therefrom, may disclose any portion of the subject matter or contents of either any person not authorized hereunder.

VIII.
NON-DISSEMINATION

The Documents, copies of any portion of the same, contents of the Documents itself and all notes arising from examination of said Documents, as well as discussions of the contents thereof, shall be used only in connection with the present case of *Harold Bennett, et al v. State Farm General Ins. Co.*, United States District Court – Eastern District, Case Number 1:14-CV-01377 GEB, and shall be used for no other purposes whatsoever including, but not limited to, other lawsuits, actions, claims or demands.

IX.
ALL DOCUMENTS REVEALED TO THE COURT SHALL BE SEALED

All motions or other Documents filed with the Court, if any, which reveal any portion of the contents of the Documents, or notes arising therefrom, shall be sought to be filed under seal. ~~in a sealed envelope directly with the United States District Court – Eastern District and shall be considered sealed Documents until further order of the Court.~~ At any hearing or proceeding in which any Document covered by this order is referred to, revealed or discussed, either party can request that the hearing or proceeding be conducted in chambers. As to ~~A~~any records made of such proceedings, either party can request the proceedings ~~shall also be sealed until further order of the Court, if any.~~

In the event a party wishes to file a protected Document under seal, the party SHALL

1 comply with Local Rule 141. Issuance of this protective order alone, is insufficient justification for
2 filing protected Documents under seal.

3 Notably, this Court's Local Rule 141 sets forth how a request to seal documents should
4 proceed. First, the requesting party should file on the public docket a Notice of Request to Seal
5 Documents. L.R. 141(a). Concurrently with this filing, the requesting party must lodge an
6 unredacted copy of the documents sought to be sealed. Also, the requesting party must lodge a
7 Request to Seal Documents, which addresses the specific pages of the documents sought to be
8 sealed and the information contained thereon and provides an explanation for why the information
9 should be shielded from public view. L.R. 141(b). Ideally, at this time, the moving party would
10 lodge also a proposed redacted copy of the documents with the confidential information obliterated,
11 if any portion of the document is not subject to sealing. The email containing this lodged
12 information must be "carbon copied" to opposing counsel unless there is sufficient explanation set
13 forth why the matter should proceed ex parte. If there is no objection to the request to seal (L.R.
14 141(c)), the Court must determine whether each of the pages of the document should be shielded
15 from public view or to what extent they should be.

16
17 **X.**
NON-WAIVER

18 The production of the subject Documents for inspection, viewing and custody shall not
19 constitute a waiver of State Farm's right to claim in this lawsuit or otherwise, that said Documents
20 or any Documents described therein are privileged or otherwise non-discoverable or admissible.

21 **XI.**
SURRENDER OF DOCUMENTS

22 At the conclusion of the subject litigation, all documents provided, and any copies thereof,
23 under this protective order shall be returned to State Farm's counsel, with a declaration, signed by
24 Plaintiffs' counsel under penalty of perjury, that all documents provided, and any copies thereof,
25 under the protective order have been returned to State Farm's counsel. The Documents are to be
26 returned as soon as possible and no later than seven (7) days from the date of the dismissal of the
27 action with the declaration.
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IT IS SO STIPULATED.

Dated: September 8, 2015

LAW OFFICES OF CRAIG A. MILLER

By /s/ Patrick Calhoon (as authorized on September 8, 2015)
CRAIG A. MILLER
PATRICK A. CALHOON
Attorneys for Plaintiffs
HAROLD and DOROTHY BENNETT

Dated: Septmebr 8, 2015

HAYES SCOTT BONINO ELLINGSON & McLAY, LLP

By /s/ Lauren M. Case
STEPHEN M. HAYES
STEPHEN P. ELLINGSON
LAUREN M. CASE
Attorneys for Defendant
STATE FARM GENERAL INSURANCE
COMPANY

[PROPOSED] ORDER

Based upon the stipulation of the parties, the Court **ORDERS:**

The stipulation for the protective order is **GRANTED as MODIFIED** by the Court as set forth above in paragraph IX.

IT IS SO ORDERED.

Dated: September 9, 2015

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE