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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERT DODSON,)	Case No. 2:09-cv-00872-GEB-DAD
)	
Plaintiff,)	DISCOVERY MATTER:
)	(Magistrate Dale A. Drozd)
vs.)	
)	PROTECTIVE ORDER
WAL-MART STORES, INC. dba)	
WALMART #1760; WAL MART REAL)	
ESTATE RETAIL TRUST, IV,)	
)	
Defendants.)	

ORDER

UPON STIPULATION of the Parties, and For Good Cause Shown,

IT IS HEREBY ORDERED:

- That good cause exists for the Court to grant the Parties' Stipulation for Protective Order, filed concurrently herewith, that the parties to this action, Defendant Wal-Mart Stores, Inc. ("Wal-Mart" or "Defendant") and Plaintiff Robert Dodson ("Dodson" or "Plaintiff"), by their respective counsel, have stipulated and requested that the Court enter a mutual protective order pursuant to Fed. R. Civ. P. 26.
- The Protective Order shall be entered pursuant to the Federal Rules of Civil Procedure.

1 3. The Protective Order shall govern all materials deemed to be “Confidential
2 Information.” Such Confidential Information shall include the following:

3 (a) Any and all documents referring or related to confidential and proprietary human
4 resources or business information; financial records of the parties; compensation of
5 Defendant’s current or former personnel; policies, procedures and/or training materials of
6 Defendant; and/or Defendant’s organizational structure;

7 (b) Any documents from the personnel, medical or workers’ compensation file of
8 any current or former employee or contractor;

9 (c) Any documents relating to the medical and/or health information of any of
10 Defendant’s current or former employees or contractors;

11 (d) Any portions of depositions (audio or video) where Confidential Information is
12 disclosed or used as exhibits.

13 4. In the case of documents and the information contained therein, designation of
14 Confidential Information produced shall be made by placing the following legend on the face
15 of the document and each page so designated “CONFIDENTIAL” or otherwise expressly
16 identified as confidential. Defendant will use its best efforts to limit the number of documents
17 designated Confidential.

18 5. Confidential Information shall be held in confidence by each qualified recipient
19 to whom it is disclosed, shall be used only for purposes of this action, shall not be used for any
20 business purpose, and shall not be disclosed to any person who is not a qualified recipient. All
21 produced Confidential Information shall be carefully maintained so as to preclude access by
22 persons who are not qualified recipients.

23 6. Qualified recipients shall include only the following:

24 (a) In-house counsel and law firms for each party and the secretarial, clerical and
25 paralegal staff of each;

26 (b) Deposition notaries and staff;

1 (c) Persons other than legal counsel who have been retained or specially employed
2 by a party as an expert witness for purposes of this lawsuit or to perform investigative work or
3 fact research;

4 (d) Deponents during the course of their depositions or potential witnesses of this
5 case; and

6 (e) The parties to this litigation, their officers and professional employees.

7 7. Each counsel shall be responsible for providing notice of the Protective Order
8 and the terms therein to persons to whom they disclose "Confidential Information," as defined
9 by the terms of the Protective Order.

10 8. Persons to whom confidential information is shown shall be informed of the
11 terms of this Order and advised that its breach may be punished or sanctioned as contempt of
12 the Court. Such deponents may be shown Confidential materials during their deposition but
13 shall not be permitted to keep copies of said Confidential materials nor any portion of the
14 deposition transcript reflecting the Confidential Information.

15 9. If either party objects to the claims that information should be deemed
16 Confidential, that party's counsel shall inform opposing counsel in writing within thirty (30)
17 days of receipt of the Confidential materials that the information should not be so deemed, and
18 the parties shall attempt first to dispose of such disputes in good faith and on an informal basis.
19 If the parties are unable to resolve their dispute, they may present a motion to the Court
20 objecting to such status. The information shall continue to have Confidential status during the
21 pendency of any such motion.

22 10. No copies of Confidential Information shall be made except by or on behalf of
23 attorneys of record, in-house counsel or the parties in this action. Any person making copies of
24 such information shall maintain all copies within their possession or the possession of those
25 entitled to access to such information under the Protective Order.

26 11. All information produced in this action, whether deemed Confidential or not,
27 shall be used only for purposes of this litigation and not for any other purpose.
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1 12. The termination of this action shall not relieve the parties and persons obligated
2 hereunder from their responsibility to maintain the confidentiality of information designated
3 confidential pursuant to this Order.

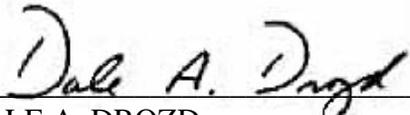
4 13. Upon termination of this action by entry of a final judgment (inclusive of any
5 appeals or petitions for review), the parties may request the return of all previously furnished
6 Confidential Information, including any copies thereof, and each person or party to whom such
7 Confidential Information has been furnished or produced shall be obligated to return it within
8 thirty (30) days of said request.

9 14. Nothing in this Order shall be construed as an admission as to the relevance,
10 authenticity, foundation or admissibility of any document, material, transcript, or other
11 information.

12 15. Nothing in the Protective Order shall be deemed to preclude any party from
13 seeking and obtaining, on an appropriate showing, a modification of this Order.

14 IT IS SO ORDERED:

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16 Dated: June 30, 2009.

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19 _____
20 DALE A. DROZD
21 UNITED STATES MAGISTRATE JUDGE

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