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 9 ROGER DICKINSON,
 10 ROBERTA MACGLASHAN,
 11 SUSAN PETERS,
 12 JIMMIE YEE,
 13 DON NOTTOLI,
 14 SACRAMENTO AIRPORT SYSTEM,
 15 and G. HARDY ACREE

16 **UNITED STATES DISTRICT COURT EASTERN DISTRICT**
 17 **OF CALIFORNIA SACRAMENTO DIVISION**

13 ANN HILL,)	CASE NO. 2:09-CV-01565-GEB-GGH
14 Plaintiff)	STIPULATION FOR PROTECTIVE
15 v.)	ORDER AND ORDER
16 COUNTY OF SACRAMENTO, ROGER)	
17 DICKINSON, ROBERTA MACGLASHAN,)	
18 SUSAN PETERS, JIMMIE YEE, DON)	
19 NOTTOLI, SACRAMENTO AIRPORT)	
20 SYSTEM, and G. HARDY ACREE)	
21 Defendants.)	
LONGYEAR, O’DEA AND LAVRA, LLP (916) 974-8510)	

22 Subject to the approval of this Court, the parties hereby stipulate to the following
 23 protective order:

24 1. In connection with discovery proceedings in this action, defendants hereby
 25 designate the following production of documents as "CONFIDENTIAL" under the terms of this
 26 Stipulated Protective Order (hereinafter "Order"). All documents produced pursuant to this Order
 27 concern actual trade secret and/or confidential information of Java City, Inc., a third party, and
 28 are responsive to Plaintiff’s Request for Production of Documents, Set One, propounded to
 Defendant County of Sacramento. The confidential information produced pursuant to this

1 protective Order has not been made public and the disclosure of this information would have the
2 effect of causing harm.

3 2. Documents designated as "CONFIDENTIAL," under the terms of this Order, refer
4 to discovery material that the producing party or protected person reasonably believes not to be in
5 the public domain and reasonably believes contains any trade secret or other confidential,
6 strategic, research, development, or commercial information, as such terms are used in Federal
7 Rules of Civil Procedure, Rule 26(c)(1)(g), that, if disclosed, would materially affect the party's
8 or protected person's business, commercial or financial interests. By designating these documents
9 as "CONFIDENTIAL," under the terms of this Order, the party making the designation is
10 certifying to the Court that there is a good faith basis both in law and in fact for the designation
11 within the meaning of the Federal Rules of Civil Procedure, Rule 26(g).

12 3. Confidential documents shall be so designated by stamping copies of the
13 document produced to a party with the legend "CONFIDENTIAL" . Stamping the legend
14 "CONFIDENTIAL" on the cover of any multi-page document shall designate all pages of the
15 document as confidential, unless otherwise indicated by the producing party. All documents
16 produced pursuant to this Order are bates stamped and watermarked "CONFIDENTIAL" "DO
17 NOT DUPLICATE".

18 4. Material designated as confidential under this Order, the information contained
19 therein, and any summaries, copies, abstracts, or other documents derived in whole or in part
20 from material designated as confidential shall be used only for the purpose of this action, and for
21 no other purpose.

22 5. Confidential material produced pursuant to this Order may be disclosed or made
23 available only to each party, or to counsel for that party (including the paralegal, clerical, and
24 secretarial staff employed by such counsel), the Court, and any mediator or settlement facilitator
25 engaged in this action on agreement of all of the named parties to this action. This information
26 may be provided to any expert retained for consultation and/or trial. In the event that this
27 confidential information is given to an expert per this Order, counsel that retained the expert shall
28 provide a copy of this Order with the confidential information and the expert shall agree to abide

1 by all terms and conditions of confidentiality related to the subject documents.

2 6. Should plaintiff decide to include Confidential Material in any papers to be filed
3 with the Court, plaintiff will give at least 72 hours notice, if the circumstances permit, to
4 defendants in order to allow defendants the opportunity to seek an order sealing the material in
5 question.¹

6 7. In the event that any Confidential Material is used in any court proceeding in this
7 action, it shall not lose its confidential status through such use, and the party using such shall
8 take all reasonable steps to maintain its confidentiality during such use. Prior to disclosure of
9 materials or information designated "CONFIDENTIAL" at trial or a hearing, defendants will be
10 timely notified of plaintiff's intention to use or refer to such Confidential Material, and may seek
11 further protections against public disclosure from the Court.

12 8. This Order is entered for the purpose of facilitating the exchange of documents
13 and information between the parties to this action. Nothing in this Order nor the production of
14 any information or document under the terms of this Order nor any proceedings pursuant to this
15 Order shall be deemed to have the effect of an admission or waiver by either party or of altering
16 the confidentiality or nonconfidentiality of any such document or information or altering any
17 existing obligation of any party or the absence thereof.

18 9. Nothing in this Protective Order shall in and of itself require disclosure of
19 information that is protected by the attorney-client privilege, work-product doctrine, or any other
20 privilege, doctrine, or immunity, nor does it result in any party giving up its right to argue that
21 otherwise privileged documents must be produced due to waiver or for any other reason.

22 10. Testimony taken at a deposition or conference that refers to the Confidential
23 Material may be designated as confidential by making a statement to that effect on the record at
24 the deposition or other proceeding. Arrangements shall be made with the court reporter taking
25 and transcribing such proceeding to separately bind such portions of the transcript containing

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27 ¹See E.D. Cal. R. 141, *Pintos v. Pacific Creditors Ass'n.*, 565 F.3d 1106, 1115 (9th Cir. 2009) (finding
28 compelling reasons required in dispositive motions) and *Phillips v. General Motors Corp.*, 307 F.3d 1206, 1210 (9th
Cir. 2002) (holding good cause necessary in non-dispositive motions).

1 information designated as confidential, and to label such portions appropriately.

2 11. If Protected Information produced in accordance with this Order is disclosed to
3 any person other than in the manner authorized by this Order, the party responsible for the
4 disclosure shall immediately bring all pertinent facts relating to such disclosure to the attention of
5 all counsel of record and, without prejudice to other rights and remedies available to the
6 producing party, make every effort to obtain the return of the disclosed Protected Information and
7 prevent further disclosure of it by the person who was the recipient of such information.

8 12. This Order shall survive the final termination of this action, to the extent that the
9 CONFIDENTIAL information is not or does not become known to the public, and the Court
10 shall retain jurisdiction to resolve any dispute concerning the use of the information disclosed
11 hereunder. Upon termination of this case, all parties and/or counsel for parties shall assemble
12 and return all documents, material, and deposition transcripts designated as confidential and all
13 copies of the same to counsel for Defendant County of Sacramento, Longyear, O'Dea & Lavra,
14 LLP, 3620 American River Drive, Suite 230, Sacramento, CA 95864 who produced the
15 CONFIDENTIAL records.

16 **IT IS SO AGREED.**

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18 DATE: March 25, 2010

LONGYEAR, O'DEA AND LAVRA, LLP

19 LONGYEAR, O'DEA AND LAVRA, LLP (916) 974-8510

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By: /s/ Amanda L. Butts

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JOHN A. LAVRA
AMANDA L. BUTTS
Attorneys for County of Sacramento et al.

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24 DATE: March 25, 2010

ANTHONY T. CASO

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By: /s/ Anthony T. Caso

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ANTHONY T. CASO
Attorney for Plaintiff

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1 **IT IS SO ORDERED.**

2 Dated: March 30, 2010

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

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LONG YU CHEN, Plaintiff, v. DANIELA S. JONES, Defendant
Case No. 10-10001-UNA (USDC SDNY) (16) 974-8510

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