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 REBECCA MAZALIN

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION

REBECCA MAZALIN,

Plaintiff,

vs.

SAFEWAY INC., a corporation; and
 DOES 1 THROUGH 50, inclusive.

Defendants.

CASE NO. 2:10-CV-01445-KJM-CMK

STIPULATION FOR PROTECTIVE ORDER

Plaintiff REBECCA MAZALIN ("Plaintiff") and defendant SAFEWAY INC. ("Safeway"), through their attorneys of record, hereby stipulate that the Court may enter the protective order beginning with Paragraph No. 1 below. Pursuant to General Order No. 492 and Local Rule 141.1, the parties seek entry of this order to facilitate discovery in this action for the following reasons. This action arises out of Plaintiff's Safeway employment and the termination of that employment. As such, discovery in this action may include trade secrets or

1 proprietary business information of Safeway, personal and/or personnel records of third persons
2 (such as home addresses and other personal contact information), or other confidences of the
3 supplying person or of third persons. Because the foregoing information concerns confidential
4 and sensitive information of third persons, as well as of the parties, protection is sought by way
5 of an order of this Court.

6 1. "Confidential information," as used herein, means any type or classification of
7 information which is designated as "confidential" by the supplying person, or by any other
8 party to the action, and which the designating party asserts contains a personal, trade secret,
9 proprietary business information, personnel, or other confidences of the supplying person or of
10 third persons. By executing this Stipulation, no party is admitting that the material designated
11 as confidential by any other party is, in fact, confidential. The parties reserve the right to
12 challenge the alleged confidentiality of any information disclosed in discovery.

13 2. With respect to confidential information, "qualified persons" means (i) all
14 counsel of record engaged in the preparation for trial of this proceeding for the parties, which
15 term includes partners, associate attorneys and stenographic and clerical employees assisting
16 such counsel, (ii) experts who are assisting counsel in the preparation of this proceeding for
17 trial, (iii) the parties themselves, or in the case where the parties are government entities or
18 corporations, public officials and employees or corporate officers and directors of the parties
19 who are, in the opinion of counsel of record, necessary to assist counsel directly in the
20 preparation of this case, (iv) investigators or other persons retained to help locate and serve
21 witnesses or parties with legal documents, and (v) the Court and the Court personnel.

22 3. Any confidential information supplied in written or documentary form shall be
23 labeled by the supplying party "Confidential." When confidential information is contained or is
24 incorporated in a deposition transcript, arrangements shall be made with the reporter to bind the
25 confidential portions of the transcript separately and label it "Confidential" or otherwise to
26 make arrangements to insure the information remains confidential.

27 4. Prior to trial, any information designated confidential information shall be made
28 available only to qualified persons who shall have read this Order and who shall agree to be

1 bound by the terms thereof and who shall agree to maintain said information in confidence and
2 not to use or reveal the same to anyone other than a qualified person and not to use the same
3 except in connection with litigating this proceeding, provided that nothing shall prevent
4 disclosure beyond the terms of this Order if the supplying party claiming confidentiality
5 consents to such disclosure. Confidential information shall be used only for purposes of
6 litigating this action and for no other purpose.

7 5. All documents containing confidential information, if filed, shall be marked
8 "Confidential", and shall be filed under seal in accordance with Rules 39-140 and 39-141 of the
9 Local Rules of the United States District Court, Eastern District of California.

10 6. Upon final termination of this action, the parties shall assemble and return to
11 each supplying person all documentary material or memoranda embodying information
12 designated confidential, including all copies of such memoranda or documentary material,
13 except that any such documents or copies on which any notes or other attorney's work product
14 has been placed by counsel for the receiving party may be destroyed rather than returned.
15 Documents constituting attorney-client communications that contain alleged confidential
16 material need not be destroyed.

17 7. Upon notice to the designating party of the intention of counsel for another party
18 to disclose information subject to any part of this Order on the public record, including at trial,
19 the designating party shall within ten (10) days after receiving such notice state whether it
20 objects. In the event that objection is made, counsel for the party desiring to make disclosure
21 or reclassification and the supplying party shall make a good faith effort to resolve the matter.
22 Failing such resolution, the party objecting to disclosure or reclassification shall make a motion
23 to sustain the objection on normal notice. Said notice shall be filed within twenty (20) days
24 after receipt of the notice of intention to reclassify or disclose as described above. The
25 information in controversy shall not be disclosed or reclassified prior to trial until the Court
26 enters its order on said motion. Nothing in this Order shall be construed to deprive the public
27 or the parties of a public trial.

28 8. In order to expedite discovery in this action, the parties agree to treat any

