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9 GENERAL MOTORS LLC

10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**
12 **SACRAMENTO DIVISION**

13 THOMAS E. CANAVESIO,
14 Plaintiff,
15 vs.
16 GENERAL MOTORS COMPANY
17 LLC; and DOES 1 through 100,
18 inclusive,
19 Defendant.

Case No.: 2:11-CV-00200-JAM-EFB

**STIPULATION FOR ENTRY OF
PROTECTIVE ORDER;
PROTECTIVE ORDER**

20 IT IS HEREBY STIPULATED and agreed by the undersigned counsel for
21 each of the parties to this action that, in order to facilitate discovery, in which the
22 plaintiff may request from General Motors LLC ["GM"] documents that GM or
23 others contend contain proprietary, trade secret and confidential information and/or
24 other documents, that the following confidentiality protective order shall be entered
25 by the Court.

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Dated: _____, 2011

LAW OFFICES OF MICHAEL R. QUIRK

signature on original

Michael R. Quirk
Attorneys for Plaintiff
THOMAS E. CANAVESIO

Dated: _____, 2011

LAW OFFICES OF DONALD F. SETH

signature on original

By: _____
Donald F. Seth
Attorneys for Plaintiff
THOMAS E. CANAVESIO

Dated: _____, 2011

DYKEMA GOSSETT LLP

signature on original

By: _____
Derek S. Whitefield
Tamara A. Husbands
Dommond E. Lonnie
Attorneys for Defendant
GENERAL MOTORS LLC

1 as to any document, materials or information, Plaintiff may apply to the Court for an
2 Order removing the confidentiality designation from documents, materials or
3 information that Plaintiff claims do not qualify as trade secret, confidential,
4 competitively sensitive and/or proprietary information.

5 4. Confidential Information that is subject to this Order may be disclosed
6 only to (a) the receiving party (including receiving party’s legal representatives), (b)
7 attorneys for the receiving party and their paralegal and clerical staffs, and (c) experts
8 and consultants retained or individuals consulted by the receiving party or their
9 attorneys for assistance in trial preparation or for testimony (hereinafter “recipients”).
10 Disclosure shall be made to recipients only as necessary for the prosecution of the
11 lawsuit and only after the recipient has been informed of the terms of this Order and
12 has agreed to be bound by it. Before Confidential Information is disclosed to anyone,
13 the intended recipient shall be first presented with a copy of this Order, and after
14 reading it and agreeing to be bound by its terms, sign the attached form of “Written
15 Assurance,” attached as Exhibit A (hereinafter “Assurance”). Assurances signed by
16 experts shall be provided to counsel for GM when experts are disclosed. Assurances
17 signed by consultants, whether or not they are retained by the receiving party, shall be
18 retained by the receiving party’s counsel for as long as they retain their file after
19 termination of the case. Designated documents or information shall not be disclosed
20 to any person or in any manner not specified in this Order.

21 5. If any party other than GM wishes to file Confidential Information with
22 the Court for any reason, that party shall only reference the GM materials by bates
23 number in the Court filing and, if necessary, file redacted copies of the documents.
24 That party will also lodge the unredacted documents and records with the Court in
25 compliance with Local Rule 141. The party wishing to file Confidential Information
26 must provide GM with written notice that the records and other documents lodged
27 will be placed in the public court file unless GM files a timely motion or application
28 to seal the records under Local Rule 141. Within ten (10) days of this notification,

1 GM may file a motion or application for an order sealing the Confidential
2 Information. Pending determination of the motion or application, the lodged
3 document(s) will be conditionally under seal. Until such time as the Court issues an
4 order sealing the Confidential Information, the original party seeking to use the
5 Confidential Information may refer only to the redacted version of the Confidential
6 Information. Upon granting of an order sealing the record, the document(s) will be
7 sealed and labeled by the court clerk according to Local Rule 141.

8 6. Confidential Information may be referred to by a party in notices,
9 motions, briefs or any other pleadings, may be used in depositions, and may be
10 marked as deposition exhibits in this action. No such information shall be used,
11 however, for any of these purposes unless it, or the portion where Confidential
12 Information is revealed, is appropriately marked and protected from dissemination
13 and, where filing is necessary, separately filed under seal with the Court pursuant to
14 the provisions of paragraph 5, above.

15 ~~7. If, at the time of trial, a party intends to introduce Confidential~~
16 ~~Information into evidence, they shall, pursuant to Local Rule 141, lodge the~~
17 ~~documents with the Court, file redacted copies of the documents and provide GM~~
18 ~~with written notice. Counsel for GM shall then have the burden to obtain a ruling~~
19 ~~regarding sealing of the record under Rule 2.551 of the California Rules of Court (or~~
20 ~~applicable court rule). Until a determination is made by the Court, the Confidential~~
21 ~~Information shall be lodged with the Court conditionally under seal. In any event, a~~
22 ~~party intending to introduce Confidential Information must allow sufficient time to~~
23 ~~address the issue of preserving confidentiality with the Court. If a party intends to~~
24 ~~introduce Confidential Information into evidence at trial, they shall submit a~~
25 ~~stipulation or request for a trial protective order pursuant to Eastern District of~~
26 ~~California Local Rule 141.1(b)(2).~~

27 8. No documents shall be filed under seal unless an appropriate order is
28 entered in accordance with Local Rule 141. Unless and until such an order is entered,

1 confidential material shall be lodged separately as exhibits and will be returned to
2 counsel upon completion of the hearing for which the confidential material is
3 submitted.

4 9. Recipients of Confidential Information are, either by virtue of direct
5 application of this Order or by virtue of the execution of the Assurance referred to in
6 paragraph 4 above, bound by the terms and restrictions of this Order and are subject
7 to the jurisdiction of this Court for the purpose of enforcing the terms of this Order.

8 10. If any party to this stipulation wishes to modify this Order or its
9 application to certain Confidential Information, the party shall first request such
10 modification from GM, or counsel for GM, and if no satisfactory agreement is
11 reached, may petition the Court for modification. Until modification is granted by
12 agreement or Order, the terms of this Order will govern. In the event that a party
13 petitions the Court to modify the application of this Order as to certain Confidential
14 Information, it shall be GM's burden to demonstrate to the Court that the documents it
15 designates should remain protected.

16 11. This Order shall not preclude the parties from exercising any rights or
17 raising any objections otherwise available to them under the rules of discovery and
18 evidence.

19 12. Upon termination of this lawsuit, by judgment, settlement or voluntary
20 dismissal, the receiving party's counsel and any recipients of Confidential
21 Information shall within 60 days return to GM's counsel all Confidential Information
22 received under this Order, including all copies, prints, summaries, and other
23 reproductions of such information; however, counsel for the receiving party may keep
24 an index of the documents for as long as they retain their file after termination of the
25 case, and instead of disclosing materials containing their work product, destroy rather
26 than return such materials.

27 13. It shall be the responsibility of counsel for each and every receiving
28 party to act to safeguard and preserve the confidentiality of Confidential Information.

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Said counsel shall undertake all steps necessary to preserve the confidentiality of Confidential Information, including but not limited to: (1) monitoring the release of Confidential Information to recipients and by recipients; (2) obtaining the Assurances described in paragraph 4 above.

DATED: May 17, 2011.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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EXHIBIT "A"
WRITTEN ASSURANCE

STATE OF _____

COUNTY OF _____

I, _____, hereby attest to my understanding that Confidential Information is being provided to me pursuant to the terms and conditions and restrictions of the Confidentiality Protective Order of _____, 2011, in *Thomas E. Canavesio v. General Motors Company, LLC, et al.*, and that I have been given a copy of and have read the Protective Order and understand its terms. I further agree that I shall not disclose to others, except in accordance with that Protective Order, such information or documents including notes or other memorandum or writings regarding information contained in them, and that such information or documents shall be used only for the purposes of the legal proceeding in which they are produced. I further agree and attest to my understanding that my obligation to honor the confidentiality of such information or documents will continue even after the termination of the legal proceeding. I further agree and attest to my understanding that, in the event that I fail to abide by the terms of the Protective Order, I may be subject to sanctions, including sanctions by way of contempt of court, imposed by the Court for such a failure. Further, I agree to subject myself to the jurisdiction of the United States District, Eastern District of California, in and for any contempt proceeding or other

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appropriate sanctions as the Court may deem proper for a violation of the Court's Protective Order.

Subscribed and sworn to before me this _____ day of _____, 2011.

NOTARY PUBLIC

PROOF OF SERVICE

Thomas E. Canavesio v. General Motors Company LLC
USDC Eastern District of California, Case No. 2:11-CV-00200-JAM-EFB

I am over the age of 18 and not a party to the within action. I am employed in the County of Los Angeles, State of California by Dykema Gossett LLP. My business address is 333 South Grand Avenue, Suite 2100, Los Angeles, California 90071.

On May 13, 2011, I served the foregoing document described as Stipulation for Entry of Protective Order; Protective Order on all interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Michael R. Quirk, Esq.
1615 Bonanza Street, Suite 207
Walnut Creek, CA 94596
Telephone: (925) 943-6400
Facsimile: (925) 943-6500

Attorney for Plaintiff
Thomas E. Canavesio

E-mail: mquirk@pacbell.net

Donald F. Seth, Esq.
2200 Range Avenue, Suite 202
Santa Rosa, CA 95403
Telephone: (707) 545-6370
Facsimile: (707) 545-9770

Co-Counsel for Plaintiff
Thomas E. Canavesio

E-mail: donsethlawoffice@yahoo.com
donaldfseth@gmail.com

BY MAIL: I am readily familiar with the firm's business practice for collection and processing of correspondence for mailing with the United States Postal Service. On this day, I placed for collection and processing the above document to be deposited with the United States Postal Service in the ordinary course of business. And in the ordinary course of the firm's business, such correspondence is deposited with the United States Postal Service the same day that it is collected.

BY ELECTRONIC MAIL: By consent of recipients listed on the attached service list, I caused the above-named document to be served via e-mail.

BY ELECTRONIC SERVICE: By E-filing and transmission of the above-listed document via the CM/ECF system with the U.S. District Court, Eastern District of California.

BY FACSIMILE: I caused the attached documents to be transmitted to the interested party in this action by faxing a true copy from facsimile telephone number (213) 457-1850. The document was transmitted by facsimile transmission and the transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine.

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BY PERSONAL SERVICE: I delivered such envelope by hand to the offices of the addressee.

BY OVERNIGHT COURIER: Via Federal Express.

(Federal) I declare that I employed in the office of a member of the bar of this court at whose direction the service was made.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 13, 2011, at Los Angeles, California.

Karen Votava

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