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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
(SACRAMENTO DIVISION)

DAMERON HOSPITAL ASSOCIATION, a
California Non-Profit Association,

Plaintiff,

vs.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, an Illinois
Corporation; and DOES 1 through 50, inclusive,

Defendants.

CASE NO. 2:12-CV-02246-KJM-AC

**STIPULATION AND [PROPOSED]
PROTECTIVE ORDER REGARDING:
(1) PRODUCTION OF DAMERON'S
DOCUMENTS; AND (2) RESTRICTING
DISSEMINATION OF DISCOVERY**

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I.

STIPULATION AND PROTECTIVE ORDER REGARDING

PRODUCTION OF DAMERON'S DOCUMENTS

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3 Defendant State Farm Mutual Automobile Insurance Company (hereinafter collectively
4 referred to as "State Farm") and Plaintiff Dameron Hospital Association ("Dameron") hereby
5 stipulate to the following protective order with respect to and to accommodate Dameron's
6 production of certain documents in response to State Farm's requests for production of documents.

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II.

PRODUCTION OF DOCUMENTS AND CUSTODY OF THE SAME

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9 Dameron will produce responsive documents to State Farm's document requests (the
10 "Documents") that have been requested and withheld based upon the proprietary, trade secret,
11 confidential, and privacy rights (HIPPA) objections, without waiving those objections. Production
12 of those Documents hereinafter specified shall take place by mail from and/or at:

13 Hatton, Petrie & Stackler APC
14 20281 Birch Street, Suite 100
15 Newport Beach, California 92660

16 and shall proceed in the following manner:

17 a) This Order shall be served on all parties;
18 b) All parties and counsel for all parties herein shall be subject to the Court Order for
19 the purpose of limiting the dissemination of the Documents produced hereunder;
20 c) Those persons viewing the requested Documents or copies of the same shall agree to
21 the terms and conditions set forth in the Inspection and Viewing Record Agreement attached
22 hereto; and
23 d) Copies of all Documents produced by Dameron shall be designated

24 "CONFIDENTIAL DOCUMENTS SUBJECT TO STIPULATION AND COURT ORDER" or a
25 form of similar effect.

26 e) In the event the parties agree to produce any documents pursuant to this stipulation
27 in advance of the court's execution of the order, the parties hereby agree to fully abide by their
28 respective rights and obligations herein as a stipulation and contract and as though this stipulation

was approved and ordered by the court.

III.
PERSONS AUTHORIZED TO TAKE CUSTODY

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

IV. PROCEDURE FOR GRANTING CUSTODY

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

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

V.
INSPECTION AND VIEWING RECORD AGREEMENT

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

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

VI. **JURISDICTION**

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

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VII.
NON-DISCLOSURE

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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.

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VIII.
NON-DISSEMINATION

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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 *Dameron Hospital Association v. State Farm, et al.*, United States District Court – Eastern District, Case Number 2:12-CV-02246-KJM-AC, and shall be used for no other purposes whatsoever including, but not limited to, other lawsuits, actions, claims or demands.

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IX.
ALL DOCUMENTS REVEALED TO THE COURT SHALL BE SEALED

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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 filed 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. Any records made of such proceedings shall also be sealed until further order of the Court, if any. To the extent that private information contained in documents can be protected by redaction of sensitive information, the parties may submit documents to the Court with appropriate redaction of sensitive, private information.

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X.
NON-WAIVER

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

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XI.
SURRENDER OF DOCUMENTS

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3 At the conclusion of the subject litigation, all documents provided, and any copies thereof,
4 under this protective order shall be returned to Dameron's counsel, with a declaration, signed by
5 Dameron's counsel under penalty of perjury, that all documents provided, and any copies thereof,
6 under the protective order have been returned to State Farm's counsel. The Documents are to be
7 returned as soon as possible and no later than seven (7) days from the date of the dismissal of the
action with the declaration.

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XII.
DESIGNATION OF PRIVILEGED DOCUMENTS

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10 All copies of all Documents subject to this Order shall be returned to counsel for Dameron
11 within 15 days of the conclusion of the action entitled *Dameron Hospital Association v. State*
12 *Farm, et al.*, United States District Court – Eastern District, Case Number 2:12-CV-02246-KJM-
AC.

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IT IS SO STIPULATED.

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Dated: April 22, 2013

HATTON, PETRIE & STACKLER APC

16 By /s/ John A. McMahon, Esq.

17 GREGORY M. HATTON
18 JOHN A. McMAHON
19 Attorneys for Plaintiff
DAMERON HOSPITAL ASSOCIATION

20 Dated: April 22, 2013

21 HAYES SCOTT BONINO ELLINGSON &
22 McLAY, LLP

23 By /s/ Cherie M. Sutherland, Esq.

24 STEPHEN M. HAYES
ROBERT S. McLAY
CHERIE M. SUTHERLAND
25 Attorneys for Defendants
STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY

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ORDER

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The above STIPULATION hereby becomes the PROTECTIVE ORDER of the court.

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Dated: April 24, 2013.

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By _____

Allison Claire
HONORABLE ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE

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