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9 Attorneys for Defendants,
 10 LOWE’S HIW, INC.

11 UNITED STATES DISTRICT COURT
 12 EASTERN DISTRICT OF CALIFORNIA

13 JUDY HELTSLEY and
 14 JOHN HELTSLEY,
 15
 16 Plaintiff,

CASE NO.: CIV. S-12-2947 JAM EFB
 (Amador County Superior Court Case No.:
 12-CV-8065)

17 vs.

AGREED ORDER OF PROTECTION

18 LOWE’S HIW, INC., and DOES 1
 19 TO 20,
 20
 21 Defendants.

22 It appearing to the Court that the Plaintiffs and Defendant are in agreement
 23 that Lowe’s HIW, Inc. (hereinafter “the Defendant”) possesses proprietary policies
 24 and procedures, as well as personnel files of present and former employees, that
 25 include confidential information that may be subject to discovery in the proceedings
 26 in this matter but which should not be made available to the public generally, this
 27 Court hereby orders that:

- 28 1. All documents produced or information disclosed and any other
 documents or records designated as “confidential” by the Defendant shall be
 revealed only to a settlement officer or judge, Plaintiff, counsel of record in this case,
 paralegals and secretarial employees under counsel’s direct supervision, such
 persons as are employed by counsel to act as experts, consultants or investigators in

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1 this action, private court reporters engaged by the parties in their official capacities,
2 former and current employees of defendant, the Court and Court personnel, persons
3 appearing as deponents or witnesses on behalf of the party who has produced or
4 disclosed the confidential information or on whose behalf such confidential
5 information has been produced or disclosed. The information considered as
6 “confidential” and disclosed only in accord with the terms of this paragraph shall
7 include, without limitation, all of the Defendant’s policies and procedures, as well as
8 personnel records, including disciplinary records, identity and personal information
9 of present and former employees.

10 2. Counsel for Plaintiff shall use all documents and information produced
11 or disclosed by the Defendant solely for the purposes of preparation for and trial of
12 this action. Under no circumstances shall information or materials covered by this
13 Protective Order be disclosed to anyone other than Plaintiff’s counsel of record in
14 this action, paralegals, secretarial employees under counsel’s direct supervision, and
15 such persons employed to act as experts, consultants or investigators in this action,
16 private court reports engaged by the parties in their official capacities, former and
17 current employees of defendant, the Court and Court personnel, persons appearing as
18 deponents or witnesses on behalf of the party who has produced or disclosed the
19 confidential information or on whose behalf such confidential information has been
20 produced or disclosed. At the conclusion of the proceedings in this action, all
21 documents and information subject to this Order, including any copies or extracts or
22 summaries thereof, or documents containing information taken therefrom, shall be
23 returned to counsel for the Defendant, at defense counsel’s written request.

24 3. Prior to disclosure of any documents designated as “confidential” to
25 paralegals or secretarial employees of counsel or Plaintiff, counsel for Plaintiff shall
26 require such employees to read this Protective Order and agree to be bound by its
27 terms.

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1 4. If counsel for Plaintiff determines that for purposes of this action,
2 documents or information produced by the Defendant and designated as
3 “confidential” must be revealed to a person employed to act as an expert, consultant
4 or investigator in this action, then counsel may reveal the designated documents or
5 information to such person, after first complying with the following:

6 (a) Counsel for the Plaintiff shall have the expert, consultant or investigator
7 read this Order and shall explain the contents thereof to such expert,
8 consultant or investigator.

9 (b) Counsel for the Plaintiff shall require such expert, consultant or
10 investigator to sign a copy of this protective order that states: “I have
11 read and understood the terms of this protective order. I further agree to
12 be bound by its terms.” Nothing in this paragraph shall be deemed to
13 enlarge the right of Defendant to conduct discovery of any of Plaintiff’s
14 expert, consultant or investigator, except solely with respect to the
15 ability of such expert, consultant or investigator to protect confidential
16 information and documents from re-disclosure.

17 5. In accordance with Local Rule 141, any papers filed with the Court that
18 contain information that has been designated as "Confidential" or "Attorneys' Eyes
19 Only," shall be accompanied by an application to file the papers or the portion
20 thereof containing the designated information under seal; and the application shall be
21 directed to the judge to whom the papers are directed. For motions, the parties shall
22 file a redacted version of the motion and supporting papers.

23 6. At the conclusion of the proceedings in this action, all documents and
24 information subject to this Order, including any copies or extracts or summaries
25 thereof, or documents containing information taken therefrom, shall be returned to
26 counsel for the Defendant, at defense counsel’s written request.

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7. This Order is subject to revocation and modification by Order of the Court upon written stipulation of the parties, or upon motion and reasonable notice, including opportunity for hearing and presentation of evidence. Nothing in this order shall be deemed to preclude the parties from seeking permission of the Court to disclose information deemed confidential on the ground that such information is not in fact confidential.

Entered this 20th day of March, 2013.

/s/ John A. Mendez
U. S. District Court Judge

APPROVED FOR ENTRY:

/s/
Attorney for Plaintiffs, Judy Heltsley and John Heltsley

/s/
Attorney for Defendant Lowe's HIW, Inc.