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12 Attorney for Plaintiff ELIZABETH SAMUELS

13  
14 UNITED STATES DISTRICT COURT  
15 EASTERN DISTRICT OF CALIFORNIA  
16

17 ELIZABETH SAMUELS,  
18 Plaintiff,

19 v.

20 OWENS-BROCKWAY GLASS  
CONTAINER INC. and DOES 1 through  
21 V,  
22 Defendant.

No. 2:13-cv-00713-GEB-DAD

**STIPULATION AND PROTECTIVE  
ORDER RE SITE INSPECTION**

23  
24 This Stipulation and Protective Order (“Order”) shall pertain to the site inspection of  
25 defendant Owens-Brockway Glass Container Inc.’s (“Owens”) bottle manufacturing plant located  
26 at 14700 W. Schulte Rd., Tracy, California 95377 (the “Tracy plant”) which is scheduled to take  
27 place on September 22, 2014 from 11:00 a.m. to 12:00 p.m. (the “Inspection”).

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**1. Scope**

a. Counsel for Plaintiff Elizabeth Samuels has requested an inspection of certain non-public areas of Owens’s Tracy Plant. Specifically, Plaintiff’s counsel has requested “a tour of the bottle making operation beginning at the lehr, going through the loop, the A, B, and C tanks, the carton making machine, the bulk operation and anything else that Owens is claiming is part of the Selector’s job.” The parties have agreed to the scope of a limited inspection, as set forth herein. Owens has agreed to allow this limited inspection without the need for Plaintiff to file a formal inspection demand; however, this inspection shall fulfill any obligation(s) Owens may have to allow Plaintiff to inspect the Tracy plant. Plaintiff agrees through this stipulation that she will not demand any further inspection of the Tracy plant in the course of this litigation. However, to the extent Plaintiff’s counsel deems it necessary to have photographs of the work Selectors perform for presentation at trial, Plaintiff’s counsel shall present a request for photographs specifically describing what she is requesting be photographed and the parties shall meet and confer on this issue. If the parties are unable to agree on whether and what photographs should be taken, the parties will address the issue with the Court at the Final Pre-Trial Conference. By agreeing not to demand another inspection as part of this litigation, Plaintiff’s counsel is explicitly reserving her right to request and seek photographs of the work Selectors perform, with necessary redactions for trade secret and privacy concerns.

b. The Tracy Plant contains many confidential and proprietary manufacturing, bottling, and shipping processes and has an established “no photograph” policy. The vast majority of the Tracy Plant, including areas that will be viewed as part of the Inspection, is not open to the public.

c. Good cause exists to limit: (1) access to the Tracy Plant solely to areas where Selectors perform their job duties in the Cold End (the “Inspection Area”); (2) access to the Tracy Plant for the purpose of this Inspection to Plaintiff’s counsel, Sandra J. Cohen; (3) access to the Tracy Plant for the purpose of this Inspection for a period not to exceed one hour; and, (4) the use of any notes or other documentation related to the Inspection of the Tracy Plant taken by Plaintiff’s counsel.

1           d.       Good cause exists to prevent any photography, videotaping, or  
2 measurements during the Inspection.

3           **2.       Access to the Tracy Plant.**

4           Plaintiff's counsel will be the only representative of Plaintiff to attend the Inspection. No  
5 other persons, including Plaintiff, Plaintiff's experts, or other former Owens employees, will be  
6 permitted to attend the Inspection. Prior to entering the Tracy Plant, Plaintiff's counsel agrees to  
7 execute the Plant Entrance Release that has previously been provided to her by counsel for  
8 Owens. Plaintiff's counsel acknowledges that she will not be allowed to enter the Tracy Plant  
9 unless and until she has provided a fully-executed Plant Entrance Release to counsel for Owens.

10          Plaintiff's counsel's access to the Tracy Plant will be limited to the Inspection Area.  
11 Plaintiff's counsel will be escorted by an Owens representative from the guard house promptly at  
12 11:00 a.m. to the Inspection Area. Plaintiff's counsel may be taken through other areas of the  
13 plant in order to get to the Inspection Area. At no time shall Plaintiff's counsel take any  
14 photographs, video, measurements, or notes pertaining to areas outside of the Inspection Area.

15          **3.       Limitations on Inspection.**

16          Once Plaintiff's counsel has arrived at the Inspection Area, she may take notes related to  
17 the Inspection Area. Plaintiff's counsel will not be provided access to enter into any other areas  
18 of the Tracy Plant, including the Hot End or any other area of the plant where Selectors do not  
19 perform their job duties. Plaintiff's counsel shall not be allowed to take any photos, videos, or  
20 measurements at any point during the examination. Plaintiff's counsel shall also not be allowed  
21 to communicate with any Owens employee during the Inspection, other than representatives  
22 designated to escort Plaintiff's counsel to the Inspection area. Plaintiff's counsel's  
23 communications with the designated escorts shall be limited to questions regarding the procedure  
24 of the Inspection. At no point during the Inspection shall Plaintiff's counsels ask any questions  
25 related to the operation of the Tracy Plant or the job of the Selectors. The Inspection shall be  
26 concluded promptly at 12:00 p.m., which means that Plaintiff's counsel must be out of the  
27 Inspection Area by no later than 12:00 p.m.

28          As this facility runs 24-hours a day, the equipment in the Inspection Area will likely be

1 fully operational. Plaintiff's counsel is to be aware of her surroundings at all times and is not to  
2 interfere with the work of Owens's employees or with the operation of the equipment in the area.  
3 Plaintiff's counsel is to be attentive to and immediately comply with any and all of Owens's  
4 employees and representatives instructions. If Plaintiff's counsel does not comply with such  
5 instructions, the Inspection will be immediately terminated.

6 Counsel for Owens shall attend the Inspection in its entirety. If any of the conditions of  
7 this Stipulation and Order appear to have been violated, counsel for Owens reserves the right to  
8 immediately terminate the Inspection.

9 **4. Confidential Information and Documents.**

10 "Confidential Documents" include any notes and other documentation of the Tracy Plant  
11 and the Inspection Area taken or recorded by Plaintiff's counsel. Plaintiff's counsel agrees to  
12 treat all information obtained during the Inspection as Confidential Information subject to the  
13 protections of the Stipulated Protective Order entered in this matter on February 26, 2014.

14 **5. Use and Dissemination of Confidential Documents.**

15 Any Confidential Documents shall be marked as "Confidential – For Litigation Purposes  
16 Only." Confidential Information shall only be used in conducting or defending this Litigation,  
17 and shall not be used for any business, competitive, personal, private, public, or organizational  
18 purposes. While the parties agree that this order shall apply to all parties, there should be nothing  
19 to prevent Owens from using information for the conduct of their business. The production,  
20 filing, and disclosure of Confidential Information shall be governed by the Stipulated Protective  
21 Order entered in this matter on February 26, 2014.

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IT IS SO STIPULATED:

Dated: September 17, 2014

SANDRA J. COHEN

By: /s/ Sandra J. Cohen (permission to use e-signature given 9/16/14)

Sandra J. Cohen  
Attorneys for Plaintiff  
ELIZABETH SAMUELS

Dated: September 17, 2014

SCHIFF HARDIN LLP

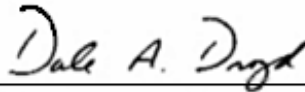
By: /s/ Sarah D. Youngblood

Sarah D. Youngblood  
Attorneys for Defendant  
OWENS-BROCKWAY GLASS  
CONTAINER INC.

**ORDER**

Pursuant to the parties' stipulation, **IT IS SO ORDERED.**

Dated: September 18, 2014



DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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