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 21 Federal Deposit Insurance Corporation
 22 as Receiver for Butte Community Bank

23 UNITED STATES DISTRICT COURT
 24 EASTERN DISTRICT OF CALIFORNIA

25 FEDERAL DEPOSIT INSURANCE
 26 CORPORATION AS RECEIVER FOR
 27 BUTTE COMMUNITY BANK,

28 Plaintiff,

v.

29 ROBERT CHING, EUGENE EVEN,
 30 DONALD LEFORCE, ELLIS
 31 MATTHEWS, LUTHER
 32 McLAUGHLIN, ROBERT MORGAN,
 33 JAMES RICKARDS, GARY
 34 STRAUSS, HUBERT TOWNSHEND,
 35 JOHN COGER AND KEITH
 36 ROBBINS,

Defendants.

Case No. 2:13-cv-01710-KJM-EFB

Assigned to Hon. Kimberly J. Mueller

**[PROPOSED] STIPULATED
 PROTECTIVE ORDER RE:
 PRODUCTION OF DOCUMENTS BY
 NON-PARTY FEDERAL DEPOSIT
 INSURANCE CORPORATION**

WHEREAS, counsel for Defendants in the above-captioned action have requested the discretionary disclosure of certain privileged and confidential records of the Federal Deposit Insurance Corporation ("FDIC") pursuant to 12 C.F.R. § 309.6(b)(8); and

**[PROPOSED] STIPULATED PROTECTIVE ORDER RE: PRODUCTION OF DOCUMENTS
 BY NON-PARTY FDIC**

1 WHEREAS, the FDIC has determined that the requirements for discretionary disclosure
2 under 12 C.F.R. § 309.6(b)(8) have been satisfied, and has therefore authorized disclosure of the
3 records identified in Exhibit A hereto (Confidential Records), provided that such disclosure is
4 made strictly under the terms and conditions of this Protective Order;

5 NOW THEREFORE, the Court hereby orders the following:

6 1. The Confidential Records, and all information contained therein or related thereto,
7 shall be held strictly confidential and may be examined and used only in connection with the
8 preparation, discovery in connection with, trial, and appeal of the Litigation.

9 2. No person, including, without limitation, the parties to the Litigation, their counsel,
10 ~~the Court, the Clerk of the Court, court reporters,~~ or any employee or agent of any of the
11 foregoing, shall transcribe, copy, or disclose in any manner any information contained in or
12 related to the Confidential Records, except upon order of the Court or as necessary for the limited
13 purpose of the preparation, discovery in connection with, trial, and appeal of the Litigation.
14 Subject to paragraphs 4 and 5 below, nothing in the preceding sentence is intended to prevent or
15 prohibit the use of information contained in the Confidential Records for the purpose of
16 interrogating witnesses at depositions or in the trial of the Litigation.

17 3. If any of the Confidential Records or portions thereof are included in discovery
18 documents filed with the Clerk of the Court, or in the event any information contained in or
19 related to such Confidential Records is to be used in the trial of the Litigation, upon order of the
20 court, the Clerk of the Court shall keep such documents in a sealed envelope or in such other
21 manner as shall make the documents unavailable for public scrutiny.

22 4. Any party offering any of the Confidential Records into evidence in the trial of the
23 Litigation, or in connection there with, shall offer only those pages or portions thereof that are
24 relevant and material to the issues in dispute, and shall block out any portion of any page that
25 contains information not relevant and material to such issues. The name of any person or entity
26 contained on any page of the Confidential Records who is not a party to the Litigation, or whose
27 name is not otherwise relevant and material to the issues in dispute, shall be blocked out prior to
28 the admission of such page into evidence. If there is disagreement between the parties to the

1 Litigation regarding what page or portion of any page of the Confidential Records should be
2 blocked out in the manner described in this paragraph, the Court shall make this determination
3 after an *in camera* review of the Confidential Records in question.

4 5. If any portion of the Confidential Records is used for any purpose in the Litigation,
5 including without limitation, use in any deposition, hearing, trial, or appeal, such portion of the
6 Confidential Records shall be sealed against any disclosure inconsistent with the terms and
7 conditions of this Protective Order and pursuant to court rules, and any briefs, transcripts or other
8 writing quoting or referring to any statement contained in such portion of the Confidential
9 Records shall also be sealed against any such disclosure as the court orders.

10 6. At the conclusion of the Litigation (including any appeal), all Confidential Records in
11 the possession or control of any person granted access to the Confidential Records under this
12 Protective Order, including all copies, extracts and summaries thereof, shall forthwith be returned
13 to the Deputy Regional Counsel, FDIC Legal Division, at 25 Jessie Street, Suite 1400, San
14 Francisco, CA 94105, or shall be otherwise disposed of as directed by the Assistant General
15 Counsel or his designee.

16 7. Any person granted access under this Stipulation and Protective Order to any of the
17 Confidential Records, or to information contained therein or related thereto, who uses such
18 Confidential Records or such information for any purpose other than the preparation, discovery in
19 connection with, trial, or appeal of the Litigation, or otherwise violates the terms or conditions of
20 this Protective Order, shall be subject to sanctioning by the Court.

21 8. The term and conditions of this Stipulation and Protective Order apply to any
22 subsequent or supplemental process that may be issued and served on the FDIC in connection
23 with the Litigation.

24 9. The Confidential Testimony and Confidential Records shall include all records or
25 testimony identified in any amendments or modifications of Exhibit A. Any such amendment or
26 modification shall be effective, without need for approval by the Court or the parties to the
27 Litigation, upon notice by the FDIC to the parties.

Protective Order
Exhibit A

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CONFIDENTIAL RECORDS

Subject to the terms and conditions of the Stipulation and Protective Order, disclosure of the privileged and confidential FDIC records listed or described below (Confidential Records) is hereby authorized under 12 C.F.R. § 309.6(b)(8)(ii).

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