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15 UNITED STATES DISTRICT COURT  
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17 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION  
18  
19

20 TDW SERVICES, INC., an Oklahoma  
21 corporation,

22 Plaintiff,

23 v.

24 SACRAMENTO MUNICIPAL UTILITY  
25 DISTRICT,

16 Defendant.  
17  
18

Case No. 2:13-CV-02335-KJM-CKD

**ASSIGNED TO JUDGE KIMBERLY J.  
MUELLER, COURTROOM 3, FOR ALL  
MATTERS EXCEPT DISCOVERY**

**STIPULATED PROTECTIVE ORDER**

Complaint Filed: November 12, 2013  
Trial Date: Not Yet Set

17 AND RELATED COUNTERCLAIM  
18

19 **RECITALS**

20 The parties to this matter hereby wish to enter into a stipulated protective order whereby  
21 certain confidential documents exchanged by and between the parties may not be used or disseminated  
22 beyond the strict confines of this litigation. In order to effectuate that goal, the parties have crafted the  
23 below-articulated stipulation and proposed order thereon.

24 **STIPULATION**

25 The following provisions shall govern production, disclosure, use, and dissemination of  
26 confidential information in this matter, including any such information found in any documents  
27 produced in the course of discovery (including by third parties in response to a subpoena), any  
28 answers to interrogatories, any answers to requests for admission, and any deposition testimony:

13 (B) Portions of depositions of a party's present and former officers, directors, employees,  
14 agents, experts, and representatives must be deemed confidential only if they are designated as such  
15 when the deposition is taken.

16 (C) Information or documents designated as confidential under this Order must not be used  
17 or disclosed by the parties or counsel for the parties or any persons identified in subparagraph (D) for  
18 any purposes whatsoever other than preparing for and conducting the litigation/trial in which the  
19 information or documents were disclosed (including appeals).

20 (D) The parties and counsel for the parties must not disclose or permit the disclosure of any  
21 documents or information designated as confidential under this Order to any other person or entity,  
22 except that disclosures may be made in the following circumstances:

23 (i) Disclosure may be made to employees of counsel for the parties who  
24 have direct functional responsibility for the preparation and trial of the lawsuit.  
25 Any such employee to whom counsel for the parties makes a disclosure must  
be advised of, and become subject to, the provisions of this rule requiring that  
the documents and information be held in confidence.

26 (ii) Disclosure may be made only to employees of a party required in good  
27 faith to provide assistance in the conduct of the litigation in which the  
28 information was disclosed who are identified as such in writing to counsel for  
the other parties in advance of the disclosure of the confidential information.

(iii) Disclosure may be made to court reporters engaged for depositions and those persons, if any, specifically engaged for the limited purpose of making photocopies of documents. Before disclosure to any such court reporter or person engaged in making photocopies of documents, such reporter or person must agree in writing to be bound by the terms of this Order.

(iv) Disclosure may be made to consultants, investigators, or experts (collectively “experts”) employed by the parties or counsel for the parties to assist in the preparation and trial of claims. Before disclosure to any expert, the expert must be informed of and agree in writing to be subject to the provisions of this Order requiring that the documents and information be held in confidence.

12 (F) All copies, duplicates, extracts, summaries, or descriptions (hereinafter referred to  
13 collectively as “copies”) of documents or information designated as confidential under this Order, or  
14 any portion thereof, must be immediately affixed with the word “CONFIDENTIAL” if that word does  
15 not already appear.

16 (G) A party may challenge the designation of confidentiality by motion. The movant must  
17 accompany such a motion with the statement required by Civil L. R. 251. The party prevailing on any  
18 such motion is entitled to recover as motion costs its actual attorney fees and costs attributable to the  
19 motion.

20 (H) At the conclusion of the litigation, all material not received in evidence and treated as  
21 confidential under this Order must be returned to the originating party. If the parties so stipulated, the  
22 material may be destroyed.

1 provisions of this Order to the same extent as confidential information produced or disclosed by the  
2 parties. During the ten-day period following a party's receipt of any information provided by a third  
3 party in response to subpoena, all parties shall treat the information as presumptively confidential, and  
4 the provisions of this Order shall govern the production, disclosure, use, and dissemination of that  
5 information during that period.

6 (J) Should any party seek to file any document marked as "CONFIDENTIAL" by the  
7 other party with the Court, the party seeking to make the filing shall provide advance notice to the  
8 other party of said filing, and the parties will meet and confer with respect to the necessity of making a  
9 sealed filing, or whether lesser measures of protection, such as redaction of the document, will suffice.  
10 If the parties are unable to agree regarding the need for a sealed filing, the parties shall jointly contact  
11 the Court for guidance as to the propriety of/need for a sealed filing.

12 IT IS SO STIPULATED.

13 DATED: December 22, 2014

WILKE, FLEURY, HOFFELT,  
GOULD & BIRNEY, LLP

15  
16 By: \_\_\_\_\_ /s/ Daniel L. Baxter  
17 DANIEL L. BAXTER  
18 Attorneys for Plaintiff/Cross-Defendant  
19 TDW SERVICES, INC.

20 DATED: December 22, 2014

21 LEWIS BRISBOIS BISGAARD & SMITH LLP

22  
23 IT IS SO ORDERED.

24 Dated: January 6, 2015

25 By: \_\_\_\_\_ /s/ Matthew M. Randle  
26 MATTHEW M. RANDLE  
27 Attorneys for Defendant/Cross-Complainant  
28 SACRAMENTO MUNICIPAL UTILITY  
DISTRICT

*Carolyn K. Delaney*

CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE