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9 IN THE UNITED STATES DISTRICT COURT  
 10 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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 13 **PHILLIP K. SAUD,**

2:14-cv-02536-GEB-AC

14 Plaintiff,

STIPULATED PROTECTIVE ORDER

15 v.

16  
 17 **STATE OF CALIFORNIA,  
 DEPARTMENT OF HEALTH CARE  
 SERVICES,**

18 Defendant.  
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20 Subject to the approval of this Court, the parties hereby stipulate to the following protective  
 21 order:

22 1. In connection with discovery proceedings in this action, the parties hereby designate  
 23 specified documents as “CONFIDENTIAL” under the terms of this Stipulated Protective Order  
 24 (hereinafter “Order”). The documents protected pursuant to this Order have not been made  
 25 public and the disclosure of said documents would have the effect of causing harm.

26 2. The documents eligible for protection under this order include:

27 A. Any employment record of Plaintiff Phillip Saud, or any other employee  
 28 of the Department of Health Care Services.

1                   B. All medical/psychological/psychiatric records of Plaintiff Phillip Saud,  
2 including but not limited to billing records.

3           3. By designating documents as “CONFIDENTIAL” under the terms of this Order, the  
4 party making the designation is certifying to the Court that there is a good faith basis both in law  
5 and in fact for the designation.

6           4. Documents produced by a party shall be designated by the party as  
7 “CONFIDENTIAL” by bates stamping copies of the document with the word  
8 “CONFIDENTIAL.”

9           5. Documents designated as “CONFIDENTIAL” under this Order (hereinafter,  
10 “Confidential Material”), the information contained therein, and any summaries, copies, abstracts,  
11 or other documents derived in whole or in part from material designated as confidential shall be  
12 used only for the purpose of this action, and for no other purpose.

13           6. Confidential Material produced pursuant to this Order may be disclosed or made  
14 available only to: (1) the parties; (2) counsel for a party (including the paralegal, clerical, and  
15 secretarial staff employed by such counsel and independent office services vendors hired by such  
16 counsel); (3) the court and its personnel; (4) court reporters and their staff, professional jury or trial  
17 consultants, mock jurors, and Professional Vendors to whom disclosure is reasonably necessary for  
18 this litigation; (5) during their depositions, witnesses in the action to whom disclosure is reasonably  
19 necessary; and (6) the author or recipient of a document containing the information. Confidential  
20 Material may be provided to any expert retained for consultation and/or trial. In the event that  
21 Confidential Material is given to an expert, counsel that retained the expert shall provide a copy  
22 of this Order with the Confidential Material. In the event that Confidential Material is given to a  
23 person identified in section (4) or (5), said person shall be provided a copy of this Order with the  
24 Confidential Material.

25           7. If a party would like to use Confidential Material in Court filings, all personally  
26 identifying information, including but not limited to, address, age, social security number, home  
27 phone number, home address and drivers license number shall be redacted from the document.

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1           8. Nothing in this Order shall in any way limit or prevent Confidential Material from  
2 being used in any deposition or other proceeding in this action. In the event that any Confidential  
3 Material is used in any deposition or other proceeding in this action, it shall not lose its  
4 confidential status through such use.

5           9. This Order is entered for the purpose of facilitating the exchange of documents  
6 between the parties to this action without involving the Court unnecessarily in the process.  
7 Nothing in this Order, or the production of any document under the terms of this Order,  
8 shall be deemed to have the effect of an admission or waiver by either party or of altering  
9 the confidentiality or non-confidentiality of any such document.

10          10. Nothing in this Order shall in and of itself require disclosure of information that is  
11 protected by the attorney-client privilege, work-product doctrine, or any other privilege,  
12 doctrine, or immunity, nor does anything in this Order, result in any party giving up its right to  
13 argue that otherwise privileged documents must be produced due to waiver or for any other  
14 reason.

15          11. This Order shall survive the final termination of this action, to the extent that the  
16 Confidential Material is not or does not become known to the public, and the Court shall  
17 retain jurisdiction to resolve any dispute concerning the use of the information disclosed  
18 hereunder.

19          12. Any party may challenge a designation of confidentiality at any time. Unless a  
20 prompt challenge to a designating party's confidentiality designation is necessary to avoid  
21 foreseeable, substantial unfairness, unnecessary economic burdens, or a significant disruption or  
22 delay of the litigation, a party does not waive its right to challenge a confidentiality designation

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1 by electing not to mount a challenge promptly after the original designation is disclosed.

2 **IT IS SO STIPULATED.**

3 Dated: April 7, 2015

Respectfully submitted,

4 KAMALA D. HARRIS  
5 Attorney General of California  
6 SUSAN E. SLAGER  
7 Supervising Deputy Attorney General

8 */s/ Kristin M. Daily*

9 KRISTIN M. DAILY  
10 Deputy Attorney General  
11 *Attorneys for Defendant*  
12 *State of California Department of Health*  
13 *Care Services*


14 Dated: April 7, 2015

*/s/ Joseph E. Maloney*

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16 Joseph E. Maloney, Attorney at Law,  
17 *Attorney for Plaintiff Phillip K. Saud*

18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

19 DATED: April 8, 2015

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21 \_\_\_\_\_  
22 ALLISON CLAIRE  
23 UNITED STATES MAGISTRATE JUDGE

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