

1 CHARLES D. MAY, ESQ.; STATE BAR NO.: 129663
2 GENE B. SHARAGA, ESQ.; STATE BAR NO.: 131661
3 BRIAN J. KIM, ESQ.; STATE BAR NO.: 282538

4 **THARPE & HOWELL, LLP**
5 **15250 Ventura Blvd., Ninth Floor**
6 **Sherman Oaks, California 91403**
7 **(818) 205-9955; (818) 205-9944 fax**
8 **E-Mail: cmay@tharpe-howell.com**
9 **E-Mail: bkim@tharpe-howell.com**

10 Attorneys for Defendant,
11 LOWE'S HOME CENTERS, LLC

12 UNITED STATES DISTRICT COURT

13 EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION

14 TONIA NELSON, KRISTOPHER
15 PALLESEN, BRYAN GARCIA and
16 NICKOLAS NELSON,

17 Plaintiffs,

18 vs.

19 LOWE'S HOME CENTERS, INC.,
20 and DOES 1 through 50, inclusive,

21 Defendants.

No. 2:15-cv-0092-KJM-KJN (TEMP)

**STIPULATION AND PROTECTIVE
ORDER**

22 Plaintiffs TONIA NELSON, KRISTOPHER PALLESEN, BRYAN GARCIA
23 and NICKOLAS NELSON (hereinafter referred to collectively as "Plaintiffs") and
24 Defendant, LOWE HOME CENTERS, LLC (hereinafter referred to as "Defendant"
25 or "Lowe's"), jointly submit this Stipulated Protective Order pursuant to United
26 States District Court, Eastern District of California Local Rules 141.1(b)(1) limiting
27 the use and disposition of certain information and documents during litigation of this
28 matter. The parties agree that discovery in this action may yield documents and
information of a sensitive and confidential nature, including but not limited to,
Defendant's proprietary policies and procedures, personnel files of present and
former employees, incident reports, and other confidential information that may be
subject to discovery in the proceedings in this matter but which should not be made

1 available to the public generally. As a result, the parties have agreed to this jointly
2 submitted Stipulated Protective Order and request that it be adopted by order of this
3 Court.

4 **Purpose and Limitation**

5 As mentioned above, disclosure and discovery activity in this action are likely
6 to involve production of confidential, proprietary, or private information for which
7 special protection from public disclosure and from use for any purpose other than
8 prosecuting this litigation may be warranted. Accordingly, the parties hereby
9 stipulate to and petition the court to enter the following Stipulated Protective Order.

10 The disclosure of any of the foregoing categories of information and/or
11 documentation protected by this Order, including confidential business and financial
12 information identified above, will have the effect of causing harm to the competitive
13 and financial position of the person, firm, partnership, corporation, or to the
14 organization from which the information was obtained. Unprotected disclosure of
15 any of the above identified confidential information may further expose Defendant to
16 unwarranted annoyance, embarrassment, and/or oppression.

17 The parties acknowledge that this Protective Order does not confer blanket
18 protections on all disclosures or responses to discovery and that the protection it
19 affords from public disclosure and use extends only to the limited information that is
20 entitled to confidential treatment under the applicable legal principles.

21 The parties having agreed to the following terms governing the treatment of
22 confidential information governing the pre-trial phase of this action as follows:

23 1. All documents produced or information disclosed and any other
24 documents or records designated as “CONFIDENTIAL” by the Defendant shall be
25 revealed only to a settlement officer, Plaintiffs, counsel of record in this case,
26 paralegals and secretarial employees under counsel’s direct supervision, and such
27 persons as are employed by counsel to act as experts in this action. The information
28 designated as “CONFIDENTIAL” and disclosed only in accord with the terms of

1 this paragraph may include, without limitation, documents and information
2 containing Defendant’s policies and procedures, as well as personnel records,
3 including disciplinary records, identity, information relating to the processes,
4 operations, type of work, or apparatus, or the production, sales, shipments, transfers,
5 identification of customers, inventories, amount or source of income, profits, losses,
6 expenditures, or any research, development, or any other commercial information
7 supplied by the Defendant in response to Plaintiffs’ Interrogatories or Requests for
8 Production. Information and documentation considered “CONFIDENTIAL” are
9 subject to protection under Civil Local Rule 141.1 of the U.S. District Court –
10 Eastern District of California, Rule 26 of the Federal Rules of Civil Procedure, and
11 under other provisions of Federal law.

12 2. Counsel for Plaintiffs shall use all documents and information produced
13 or disclosed by the Defendant solely for the purposes of preparation for and trial of
14 this action. Under no circumstances shall information or materials covered by this
15 Protective Order be disclosed to anyone other than Plaintiffs’ counsel of record in
16 this action, paralegals, secretarial employees under counsel’s direct supervision, and
17 such persons employed to act as experts in this action. At the conclusion of the
18 proceedings in this action, all documents and information subject to this Order,
19 including any copies or extracts or summaries thereof, or documents containing
20 information taken therefrom, shall be returned to counsel for the Defendant, at
21 defense counsel’s written request.

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

26 4. If counsel for Plaintiffs determines that for purposes of this action,
27 documents or information produced by the Defendant and designated as
28 “confidential” must be revealed to a person employed to act as an expert in this

1 action, then counsel may reveal the designated documents or information to such
2 person, after first complying with the following:

- 3 (a) Counsel for the Plaintiffs shall have the expert read this Order and shall
4 explain the contents thereof to such expert.
- 5 (b) Counsel for the Plaintiffs shall require such expert to sign a copy of this
6 protective order that states: “I have read and understood the terms of
7 this protective order. I further agree to be bound by its terms.” Nothing
8 in this paragraph shall be deemed to enlarge the right of Defendant to
9 conduct discovery of any of Plaintiffs’ experts, except solely with
10 respect to the ability of such expert to protect confidential information
11 and documents from re-disclosure.

12 5. The Court’s Order is subject to revocation and modification by Order of
13 the Court upon written stipulation of the parties, or upon motion and reasonable
14 notice, including opportunity for hearing and presentation of evidence.

15 6. Nothing contained in this Order is intended or should be construed as
16 authorizing a party in this action to disobey a lawful subpoena issued in another
17 action.

18 Based on the foregoing, Plaintiffs TONIA NELSON, KRISTOPHER
19 PALLESEN, BRYAN GARCIA and NICKOLAS NELSON and Defendant
20 LOWE’S HOME CENTERS, LLC hereby request that this Court issue a protective

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1 order governing the treatment of confidential information in this matter.

2 **IT IS SO STIPULATED.**

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4 **APPROVED FOR ENTRY:**

5 Dated: July 28, 2015

BOSTWICK & PETERSON

6 */s/Erik L. Peterson*

7 By: _____

8 ERIK L. PETERSON
9 BLAKE BOSTWICK
10 Attorneys for Plaintiffs,
11 TONIA NELSON,
12 KRISTOPHER PALLESEN,
13 BRYAN GARCIA, and
14 NICKOLAS NELSON

15 Dated: November 12, 2015

THARPE & HOWELL, LLP

16 */s/Brian J. Kim*

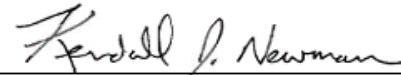
17 By: _____

18 CHARLES D. MAY
19 GENE B. SHARAGA
20 BRIAN J. KIM
21 Attorneys for Defendant,
22 LOWE'S HOME CENTERS, LLC

23 **ORDER**

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

25 Dated: November 23, 2015

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27 KENDALL J. NEWMAN
28 UNITED STATES MAGISTRATE JUDGE

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