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*Attorneys for Plaintiffs the Paskenta Band of Nomlaki Indians  
and the Paskenta Enterprises Corporation*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

**PASKENTA BAND OF NOMLAKI INDIANS;  
and PASKENTA ENTERPRISES  
CORPORATION,**

**Plaintiffs,**

**v.**

**INES CROSBY; JOHN CROSBY; LESLIE  
LOHSE; LARRY LOHSE; TED PATA; JUAN  
PATA; CHRIS PATA; SHERRY MYERS;  
FRANK JAMES; UMPQUA BANK; UMPQUA  
HOLDINGS CORPORATION;  
CORNERSTONE COMMUNITY BANK;  
CORNERSTONE COMMUNITY BANCORP;  
JEFFERY FINCK; GARTH MOORE;  
GARTH MOORE INSURANCE AND  
FINANCIAL SERVICES, INC.;  
ASSOCIATED PENSION CONSULTANTS,  
INC.; THE PATRIOT GOLD & SILVER  
EXCHANGE, INC.; GDK CONSULTING  
LLC; and GREG KESNER ,**

**Defendants.**

Case No. 15-cv-00538-MCE-CMK

**SUPPLEMENTAL STIPULATION AND  
[PROPOSED] PROTECTIVE ORDER RE  
FDIC CONFIDENTIAL RECORDS**

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

4           WHEREAS, the FDIC has determined that the requirements for discretionary  
5 disclosure under 12 C.F.R. § 309.6(b)(8) have been satisfied, and has therefore authorized  
6 disclosure of the records ("Confidential Records"), provided that such disclosure is made  
7 strictly under the terms and conditions of this Protective Order;

8           NOW THEREFORE, the Court hereby orders the following:

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

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

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

26           4.       Any party offering any of the Confidential Records into evidence in the trial of  
27 the Litigation, or in connection there with, shall offer only those pages or portions thereof that  
28 are relevant and material to the issues in dispute, and shall block out any portion of any page

1 that contains information not relevant and material to such issues. The name of any person  
2 or entity contained on any page of the Confidential Records who is not a party to the  
3 Litigation, or whose name is not otherwise relevant and material to the issues in dispute shall  
4 be blocked out prior to the admission of such page into evidence. If there is disagreement  
5 between the parties to the Litigation regarding what page or portion of any page of the  
6 Confidential Records should be blocked out in the manner described in this paragraph, the  
7 Court shall make this determination after an *in camera* review of the Confidential Records in  
8 question.

9         5. If any portion of the Confidential Records is used for any purpose in the  
10 Litigation, including without limitation, use in any deposition, hearing, trial, or appeal, such  
11 portion of the Confidential Records shall be sealed against any disclosure inconsistent with  
12 the terms and conditions of this Protective Order, and any briefs, transcripts or other writing  
13 quoting or referring to any statement contained in such portion of the Confidential Records  
14 shall also be sealed against any such disclosure.

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

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

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

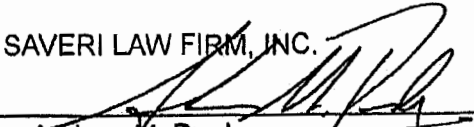


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Dated: December 27, 2016

JOSEPH SAVERI LAW FIRM, INC.

By:

  
Andrew M. Purdy

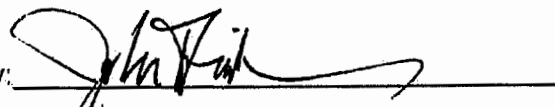
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ENTERPRISES CORPORATION*

Dated:

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By:

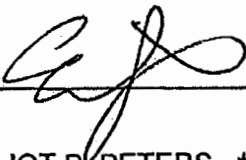


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Dated: January 3, 2017

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Dated: January 5, 2017

By:   
Sandra A. Quigley

*Counsel for the Federal Deposit Insurance Corporation*

IT IS SO ORDERED.

Dated: 1-20-17

By:   
Honorable Craig M. Kellison  
United States Magistrate Judge