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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

CRYSTAL LAKES, an individual,

Plaintiff,

vs.

BATH & BODY WORKS, LLC, a
Delaware limited liability company,

Defendants.

Case No.: 2:16-cv-02989-MCE-AC

**STIPULATION AND ORDER
MODIFYING AGREED
PROTECTIVE ORDER [DKT. 38]**

IT IS HEREBY AGREED AND ORDERED:

The parties to this action, Plaintiff Crystal Lakes (“Plaintiff”) and Defendant Bath & Body Works, LLC (“Defendant”) (together as “the Parties”), entered into a confidentiality agreement, which the Court entered on the record on January 19, 2018 at Docket No. 38 (“the Order”).

The Order provides that information and materials designated as confidential may be shared with third parties by consent or upon order of the Court:

1 (9) **Others by Consent.** Other persons only by written consent
2 of the producing party or upon order of the Court and on such
3 conditions as may be agreed or ordered.

4 Dkt. 38 at 5, ¶ 5(b)(9).

5 Currently pending in the U.S. District Court for the Central District of
6 California is a matter brought by Plaintiffs Denise Allen and Kenneth Allen against
7 Defendant, captioned as *Allen v. Bath & Body Works, LLC*, 2:18-cv-8368-AB-
8 RAO (“the *Allen Matter*”).
9

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11 Counsel for the plaintiffs in the *Allen Matter* requested that the Order be
12 modified such that the Parties will not be prohibited from producing documents in
13 the *Allen Matter* that may be covered by the Order.
14

15 For efficiency and economy of the parties and the court, pursuant to Section
16 5(b)(9), the Parties hereby consent to allow the Parties to share certain information
17 that is designated as Confidential Information with the plaintiffs and counsel in the
18 *Allen Matter*. Should plaintiffs and counsel in the *Allen Matter* request production
19 of material covered by the Order from the Parties or their counsel, then the party
20 from whom information is requested shall provide the other party with an advance
21 copy of materials intended to be produced, or a listing of those documents by their
22 Bates numbers, with sufficient time to allow the other party to object or to provide
23 the notice to non-parties outlined in this document.
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1 The modification of the Order is conditioned on the filing of a protective
2 order in the collateral action (the *Allen* Matter), and does not limit the collateral
3 Court's ability to decide whether the litigants in that action should ultimately
4 obtain specific discovery materials that may be requested in the *Allen* Matter.
5

6 It is further agreed that the Order is modified to permit counsel in the current
7 matter to communicate with counsel in the *Allen* Matter, before disclosure of
8 materials designated as Confidential Information or otherwise subject to the Order,
9 for the limited purpose of identifying documents that are designated as
10 Confidential Information or that are otherwise subject to the Order.
11

12 It is further agreed that the Order is modified to permit counsel in the current
13 matter to communicate with counsel in the *Allen* Matter concerning the contents of
14 materials and documents designated as Confidential Information or otherwise
15 subject to the Order that are ultimately produced in the *Allen* Matter, but only after
16 entry of a protective order in the *Allen* Matter.
17

18 Whereas, it is further stipulated and agreed by and between all parties
19 seeking to modify the Order that because certain information was obtained in the
20 current matter through third-party discovery, and that said information was
21 produced by certain non-parties with the expressed or implied expectation of
22 confidentiality under the Order, fair notice must be provided to said non-party prior
23 to any discussion regarding or the production of said information. Accordingly, the
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1 party in the current action that is requested to produce such information or discuss
2 such information in the *Allen* Matter shall first provide that non-party with two
3 weeks' written notice prior to any discussion or exchange of said materials. Such
4 notice shall be simultaneously served on all counsel in the current matter and in the
5 *Allen* Matter. The purpose of this notice is to allow any party or any non-party to
6 object or to seek judicial intervention in an appropriate court prior to the disclosure
7 of any confidential information as contemplated by the Order.
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11 All other aspects of the Order shall remain unchanged and binding on all
12 parties and counsel in the current matter.
13

14 **IT IS** on this 5th day of April 2019, agreed that the Order [Dkt. 38] is
15 modified for the limited purpose stated above.
16

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18
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27 **Attorneys for Bath & Body
28 Works, LLC**

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**Attorneys for Denise &
Kenneth Allen**

**Attorneys for Defendants,
GLOBALTECH INDUSTRIES,
INC., L BRANDS, INC.; and
BATH & BODY WORKS, LLC**

IT IS SO ORDERED.

Dated: April 15, 2019


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE