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11 **UNITED STATES DISTRICT COURT**  
 12 **EASTERN DISTRICT OF CALIFORNIA**  
 13 **SACRAMENTO DIVISION**

14 UNIVERSAL SECURITY AND FIRE, INC.,  
 15 a California Corporation,

16 Plaintiff,

17 vs.

18 ALPHA ALARM & AUDIO, INC., a  
 19 California Corporation; FRANK CHARLES  
 20 YANEZ, an Individual; and DOES 1 through  
 21 30, Inclusive,

22 Defendants.

Case No: 2:17-CV-00844-TLN-CKD

**STIPULATION AND ORDER**

Date: July 13, 2017  
 Time: 2:00 p.m.  
 Courtroom: 2, 15<sup>th</sup> Floor  
 Hon. Troy L. Nunley

23 WHEREBY, on April 21, 2017, Plaintiff UNIVERSAL SECURITY AND FIRE, INC.  
 24 (“USF”) filed a Complaint against Defendants ALPHA ALARM & AUDIO, INC. (“Alpha”),  
 25 and FRANK CHARLES YANEZ (“Yanez”), and Doe Defendants 1 through 30.

USF has alleged that each Defendant, individually and in concert with the other Defendants,  
 have engaged in (1) Misappropriation of Trade Secrets under Federal Defend Trade Secrets  
 Act (“FD TSA”); (2) Misappropriation of Trade Secrets under California Uniform Trade  
 Secrets Act (“CUTSA”); (3) Unfair Business Practices; (4) Breach of Duty of Loyalty; (5)

1 Intentional Interference with Prospective Economic Advantage; (6) Negligent Interference  
2 with Prospective Economic Advantage; (7) Accounting of Monies Owed by Defendants to  
3 USF; and (8) Conversion.

4 WHEREBY, on July 13, 2017, pursuant to Rule 65 of the Federal Rules of Civil  
5 Procedure (“FRCP”), 18 U.S.C. §1836, California Civil Code §3426.2, and California  
6 Business and Professions Code §17203, USF sought injunctive relief prohibiting Alpha and  
7 Yanez from any further acquisition, use, or disclosure of USF’s trade secrets and confidential,  
8 proprietary information, including customer identification, bid opportunities, fire alarm  
9 designs, and USF’s bidding information that Defendant Yanez took with him when he left  
10 USF to join competitor Alpha, and from engaging in any further breaches of duty or acts of  
11 unfair competition in connection therewith. USF’s Motion was based upon its Notice of  
12 Motion and Motion, the accompanying Memorandum of Points and Authorities; the  
13 supporting Declaration of Dale Haring and the exhibits thereto, USF’s Complaint, and such  
14 other evidence and argument as was presented to the Court at hearing.

15 NOW THEREFORE, the undersigned parties and/or their attorneys of record hereby  
16 stipulate to entry of this Order to effectuate a more expeditious and efficient resolution of the  
17 above-captioned litigation. The Court finds that the balance of equity and interests of justice  
18 support granting relief. Accordingly, this Court enters the following order:

19 1. Directing Defendant Alpha to deliver immediately to USF all copies of  
20 documents, whether in paper form or stored in an electronic medium, containing USF  
21 confidential information Alpha possesses, if any, or has in its custody or control, including,  
22 without limitation, all such documents that contain USF’s customer identification, bid  
23 opportunities, fire alarm and other life safety system designs, security system designs, bidding  
24 information, drawing templates, policies, procedures, project reports, customer contracts, and  
25 customer as-built information;

1           2.       Defendant Alpha, and all those acting in concert or participation with it, are  
2 hereby enjoined from utilizing in any way USF confidential and/or trade secret information  
3 that Yanez obtained while employed by USF, to directly or indirectly solicit, continue to  
4 solicit and/or initiate contact with any USF customers whose accounts were assigned to Yanez  
5 or any USF personnel while Yanez was employed by USF.

6           3.       Restraining and enjoining Alpha from directly or indirectly using, accessing,  
7 disclosing, making available to any person or entity, or using any USF confidential and/or  
8 trade secret information that Yanez obtained while employed by USF, including without  
9 limitation USF's customer identification, bid opportunities, fire alarm and other life safety  
10 system designs, security system designs, bidding information, drawing templates, policies,  
11 procedures, project reports, customer contracts, and customer as-built information;

12           4.       Defendant Alpha, and all those acting in concert or participation with it, are  
13 hereby enjoined from directly or indirectly violating or interfering with the confidentiality  
14 obligations of Yanez's agreements with USF;

15           5.       Directing Defendants Alpha to take all necessary steps to preserve documents,  
16 data, tangible things, and other materials relating to this action, including without limitation  
17 emails and paper and electronic documents, including any current or archived electronic logs,  
18 metadata, and directories;

19           6.       Defendants Alpha, and all those acting in concert or participation with it, are  
20 hereby enjoined from altering, destroying, or disposing of any evidence or other materials, in  
21 any form, relating to this action and the issues raised herein, including, without limitation, all  
22 devices, electronic media, metadata, directories, cloud storage, and all copies of any and all  
23 documents, media and/or other materials, containing, identifying, describing, reflecting or  
24 referencing USF's confidential, proprietary, or trade secret information, and any and all  
25 documents, data and information which was obtained by Yanez from, or by virtue of his

1 employment with, USF, including all current or archived media, emails, chats, texts,  
2 documents, electronic logs, metadata, storage and directories;

3 7. The Court concludes that no bond need be posted by USF.

4 Dated: June 28, 2017

Dated: June 28, 2017

6 Signed

/s/ \_\_\_\_\_

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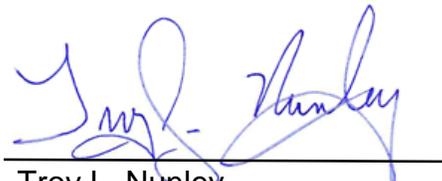
Signed

/s/ \_\_\_\_\_

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UNIVERSAL SECURITY AND FIRE,  
INC.

14 IT IS SO ORDERED.

Dated: June 29, 2017



Troy L. Nunley  
United States District Judge