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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, 15th 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 Yanez 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 that Yanez currently possesses or has in his custody or control,
22 including, without limitation, all such documents that contain USF’s customer identification,
23 bid opportunities, fire alarm and other life safety system designs, security system designs,
24 bidding information, drawing templates, policies, procedures, project reports, customer
25 contracts, and customer as-built information;

1 2. Defendant Yanez, and all those acting in concert or participation with him, 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 Yanez 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. Restraining and enjoining Defendant Yanez from directly or indirectly
13 violating the terms of his Confidentiality Agreements with USF;

14 5. Defendant Yanez, and all those acting in concert or participation with him, are
15 hereby enjoined from directly or indirectly violating or interfering with the confidentiality
16 obligations of Yanez's agreements with USF;

17 6. Directing Defendant Yanez to take all necessary steps to preserve documents,
18 data, tangible things, and other materials relating to this action, including without limitation
19 emails and paper and electronic documents, including any current or archived electronic logs,
20 metadata, and directories;

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

1 documents, data and information which was obtained by Yanez from, or by virtue of his
2 employment with, USF, including all current or archived media, emails, chats, texts,
3 documents, electronic logs, metadata, storage and directories;

4 8. The Court concludes that no bond need be posted by USF.

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6 Dated: June 28, 2017

Dated: June 28, 2017

7
8 Signed


Signed

9 /s/ _____
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UNIVERSAL SECURITY AND FIRE,
12 INC.
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15 IT IS SO ORDERED.

16 Dated: June 29, 2017

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19 Troy L. Nunley
United States District Judge
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