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16 Attorneys for Defendant

17 UNITED STATES DISTRICT COURT

18 FOR THE NORTHERN DISTRICT OF CALIFORNIA

19
20 DEAN ALEXANDER, et. al.) Case No: 3:05-cv-38 EMC
21 Plaintiffs,)
22 vs.) **STIPULATION AND ~~[PROPOSED]~~**
23 FEDEX GROUND PACKAGE SYSTEM,) **PROTECTIVE ORDER**
24 INC. et. al.,)
25 Defendant.)
26 /

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1 The parties to the above-entitled action, by and through their respective counsel, along
2 with Objectors Rafick El-Hani, El –Hani Services, Inc. (Rafick El-Hani and El-Hani Services,
3 Inc. are hereafter collectively referred to as “El-Hani”) and Henrik Zohrabians (hereafter
4 “Zohrabians”), by and through their counsel, hereby stipulate as follows:

- 5 1. On April 27, 2016, class counsel filed with the Court an Administrative Motion
6 seeking leave to file portions of the Supplemental Declaration of Beth A. Ross
7 submitted in support of Plaintiffs’ motion for attorneys’ fees and costs and class
8 representative incentive awards under seal. (ECF No. 232) (Supplemental Ross
9 Declaration). The motion was granted in an order entered April 28, 2016. (ECF No.
10 233). The sealed portions of the Supplemental Ross Declaration disclose information
11 about tentative class settlements achieved in related litigation that have not yet been
12 filed in Court including the total amount of each tentative settlement. A complete
13 description of the substance of the sealed materials appears at paragraphs 7 and 10 of
14 the Supplemental Ross Declaration which are not filed under seal.
- 15 2. Subsequent to entry of the Court’s April 28 order, objectors Zohrabians and El-Hani
16 filed objections to the Administrative Motion, (ECF Nos. 236 and 237) and have
17 sought leave to review the sealed portions of the Supplemental Ross Declaration,
18 which include portions of its paragraph 9 and portions of its Exhibit A.
- 19 3. To resolve these objections, Counsel for the Plaintiff Class and Defendant FedEx
20 Ground Packages System, Inc. have agreed that the unredacted version of the
21 Supplemental Ross Declaration and its Exhibit A (ECF 232-2) may be produced to the
22 attorneys for Zohrabians (Mark Burton) and El-Hani (John W. Davis and Steven
23 Helfand) under certain conditions:
 - 24 a. The confidential portions of the Supplemental Ross Declaration (i.e. the
25 redacted portions of paragraph 9 and Exhibit A) will be produced to the
26 attorneys Mark E. Burton, John W. Davis and Steven F. Helfand for their eyes
27 only. The confidential portions of these documents, and the confidential
28 information contained in them, may not be disclosed by Messrs. Burton, Davis

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or Helfand, or disseminated, to any other person or entity (including Zohrabians or El-Hani) verbally, in writing, or in any other form, or by any means until the settlements of cases referenced in these documents are finalized, executed, and publically filed, in or about mid-June 2016, and the April 28, 2016 sealing order is lifted by the Court;

- b. The confidential portions of the Supplemental Ross Declaration (i.e. the redacted portions of paragraph 9 and Exhibit A) and the confidential information contained in them may not be disclosed by the Objectors or their respective counsel, in whole or in part, directly or indirectly, in any Court or other public filing while the April 28, 2016 sealing order remains in effect unless the confidential information is appropriately redacted and filed under seal.
4. By executing this stipulation, Objectors Zohrabians and El-Hani, and their counsel, Mark E. Burton, John W. Davis, and Steven F. Helfand, agree strictly to abide by the confidentiality provisions described in paragraph 3 above and to entry of the same as an order of the Court and withdraw their objections to the Administrative Motion.

Respectfully submitted,

LEONARD CARDER, LLP

Dated: May 4, 2016

By: /s/ Beth A. Ross
Beth A. Ross
Attorneys for Plaintiffs and Plaintiff Class

O'MELVENY & MYERS LLP

Dated: May 4, 2016

By: /s/ Scott Voelz
Carolyn Kubota
Scott Voelz
Attorneys for Defendant
FedEx Ground Package System, Inc.

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AUDET & PARTNERS, LLC

Dated: May 4, 2016

By: /s/ Mark E. Burton
Mark E. Burton
Attorney for Objector Henrik Zohrabians

LAW OFFICE OF JOHN W DAVIS

Dated: May 4, 2016

By: /s/ John William Davis
John William Davis, Esq.
Attorney for Objector Rafick El-Hani

**THE LAW OFFICES OF
STEVEN F. HELFAND**

Dated: May 4, 2016

By: /s/ Steven F. Helfand
Steven F. Helfand, Esq.
Attorney for Objector Rafick El-Hani

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ATTESTATION OF FILING

Pursuant to Local Civil Rule 5-1(i)(3), I, Beth A. Ross, hereby attest that concurrence in the filing of this Stipulation has been obtained from each of the other signatories listed above.

Dated: May 4, 2016

LEONARD CARDER, LLP

By: /s/ Beth A. Ross
Beth A. Ross
Attorneys for Plaintiffs and Plaintiff Class

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PROTECTIVE ORDER

Pursuant to stipulation of the parties and good cause appearing, the Court hereby ORDERS as follows: The attorneys for Objectors Zohrabians and El-Hani (Mark E. Burton, John W. Davis and Stephen Helfand) are permitted access to the unredacted version of the Supplemental Ross Declaration and its Exhibit A (ECF No. 232-2) until the sealing order entered on April 28, 2016 at ECF No. 233 is lifted subject to the following conditions:

- a. The confidential portions of the Supplemental Ross Declaration (i.e. the redacted portions of paragraph 9 and Exhibit A) will be produced to the attorneys Mark E. Burton, John W. Davis and Steven F. Helfand for their eyes only. The confidential portions of these documents, and the confidential information contained in them, may not be disclosed or disseminated to any other person or entity by Messrs. Burton, Davis or Helfand, (including Objectors Zohrabians or El-Hani) in any form or by any means until the tentative class settlements of cases referenced in these documents are finalized, executed, and publically filed (in or about mid-June 2016) and the April 28, 2016 sealing order is lifted by the Court;
- b. The confidential portions of the Supplemental Ross Declaration (i.e. the redacted portions of paragraph 9 and Exhibit A) and the confidential information contained in them may not be disclosed by the Objectors, in whole or in part, directly or indirectly, in any Court filing or any other public filing while the April 28, 2016 sealing order remains in effect unless the confidential information is appropriately redacted and filed under seal pursuant to further order of this Court.

IT IS SO ORDERED.

DATED: 5/6/2016

