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19
 20 UNITED STATES DISTRICT COURT
 21 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

22 ALPHAVILLE DESIGN, INC.,
 23 Plaintiff,

24 v.

25 KNOLL, INC.,
 26 Defendant.

Case No. 07-CV-05569 MHP

**STIPULATION [AND PROPOSED
 ORDER] FOR LIMITED PROTECTIVE
 ORDER CONCERNING CONFIDENTIAL
 SETTLEMENT DOCUMENTS**

27 AND RELATED COUNTERCLAIMS.
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STIPULATION

This Stipulation For Limited Protective Order Concerning Confidential Settlement Documents ("Stipulation") is entered into by plaintiff/counterclaim defendant Alphaville Design, Inc., counterclaim defendants David and Peggy Lee (collectively "Alphaville") and defendant/counterclaimant Knoll, Inc. ("Knoll") based on the following facts:

A. There is currently no protective order entered by the Court in this action. Knoll had previously filed a motion for entry of protective order, Docket No. 44, which the Court refused to hear and ordered Alphaville and Knoll ("collectively the Parties") to meet and confer at the July 21, 2008 Case Management Conference. The Parties have not yet finalized a stipulated protective order. The Parties disagree on the reasons for the delay.

B. Alphaville has requested the production from Knoll of confidential settlement agreements between Knoll and Casprini, Gordon, and Palazzetti (Settlement Documents), and Knoll has agreed to produce the Settlement Documents subject to a protective order;

C. Knoll has sought permission from these third parties to produce the Settlement Documents to Alphaville and said third parties have allowed Knoll to produce redacted versions that do not include sensitive information such as financial information.

D. Knoll has informed Alphaville that the Settlement Documents contain confidentiality provisions and Knoll asserts that production can only be made pursuant to a stipulated protective order entered by the Court.

E. Since Alphaville believes it is necessary to receive these documents immediately, and the Parties must file their respective oppositions to motions for summary

1 judgment on November 17 and November 19, 2008, and the hearing on said motions will
2 be heard by this Court on December 15, 2008, the Parties enter into this Stipulation for
3 Limited Protective Order for the purpose of production of the Settlement Documents at
4 this time.

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6 IT IS HEREBY STIPULATED, by and between Alphaville Design, Inc.,
7 David Lee, Peggy Lee and Knoll, Inc., through their counsel of record, that:

8
9 1. This Limited Stipulated Protective Order is applicable to the
10 production of the Settlement Documents and will not be superceded by the entry of a
11 future protective order unless specifically agreed to by the Parties or so ordered by the
12 Court.

13
14 2. The Settlement Documents produced pursuant to the terms of this
15 Stipulation for Limited Protective Order may be disclosed only to outside counsel of
16 record for the Parties.. Outside counsel of record for Alphaville agrees that it shall not
17 disclose the contents or discuss the terms of the Settlement Documents with any one at
18 Alphaville or any third party unless otherwise ordered by the Court.

19
20 3. All documents produced pursuant to the terms of this Stipulation for
21 Limited Protective Order shall be marked "Outside Counsel of Record Only – Settlement
22 Documents".

23
24 4. Any submission to the Court of the Settlement Documents produced
25 pursuant to this Stipulation for Limited Protective Order must be made under an
26 application to file such documents under seal. Alphaville's outside counsel of record
27 agrees that said request must be made in a separate document from any other application to
28 file documents under seal.

1 5. Any references to and/or the contents of the Settlement Documents
2 produced pursuant to this Stipulation for Limited Protective Order must be redacted in the
3 public versions of documents filed or submitted to this Court.

4
5 6. Any references to and/or the contents of the Settlement Documents
6 produced pursuant to this Stipulation for Limited Protective Order in any unredacted
7 versions of documents lodged or submitted to this Court must be submitted under seal.
8 Alphaville's outside counsel of record shall not under any circumstance request to e-file or
9 take any action to disclose the contents of the Settlement Documents to the public and
10 shall return any copies lodged with the Court to Knoll's counsel of record if returned by
11 the Court.

12
13 7. The Parties enter into this Stipulation for Limited Protective Order
14 without prejudice to each Party's rights, expressly reserving all rights to challenge the
15 production, lack thereof, discoverability or admissibility of the Settlement Documents.

16 Dated: November 17 2008

MINTZ LEVIN COHN FERRIS GLOVSKY AND
POPEO P.C.

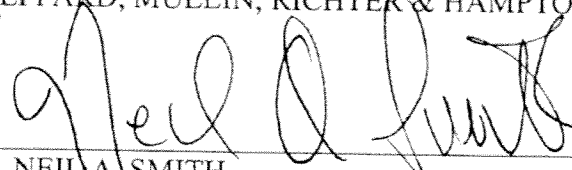
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19 By: 

KARINEH KHACHATOURIAN
Attorneys for Defendant/Counter-claimant
Knoll, Inc.

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Dated: November ¹⁷, 2008

SHEPPARD, MULLIN, RICHTER & HAMPTON
LLP

By: 
NEIL A. SMITH
P. CRAIG CARDON
Attorneys for Plaintiff/Counterclaimant
Alphaville Design, Inc.

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ORDER

Having reviewed the foregoing stipulation and good cause appearing therefor, the Stipulation for Limited Protective Order is approved and hereby entered as this Court's Order.

IT IS SO ORDERED.

DATED: 11/18, 2008

