

1 STEVEN H. GURNEE, ESQ. SB# 66056
 2 JOHN A. MASON, ESQ.
 3 GURNEE & DANIELS LLP
 4 2240 Douglas Boulevard, Suite 150
 Roseville, CA 95661-3805
 Telephone (916) 797-3100
 Facsimile (916) 797-3131

5 Attorneys for Defendants

6 SERVICE CORPORATION INTERNATIONAL,
 7 SCI FUNERAL AND CEMETERY PURCHASING
 COOPERATIVE, INC., SCI EASTERN MARKET
 8 SUPPORT CENTER, L.P. SCI WESTERN MARKET
 SUPPORT CENTER, L.P., SCI HOUSTON MARKET
 9 SUPPORT CENTER, L.P., JANE D. JONES,
 GWEN PETTEWAY, THOMAS RYAN, CURTIS BRIGGS,
 ALDERWOODS GROUP, INC., and PAUL HOUSTON

11 UNITED STATES DISTRICT COURT
 12
 13 NORTHERN DISTRICT OF CALIFORNIA

14 CLAUDE BRYANT, et al., on behalf of) **CASE NO. 3:08-CV-01190 SI**
 themselves and all other employees and former) **CASE NO. 3:08-CV-01184 SI**
 15 employees similarly situated,)
) **STIPULATION TO FILE DOCUMENT**
) **UNDER SEAL; [PROPOSED] ORDER**

16 Plaintiffs,

17 vs.

18 SERVICE CORPORATION)
 INTERNATIONAL et al.)

20 Defendants.

23 WILLIAM HELM, DEBORAH PRISE,)
 HEATHER P. RADY, et al., on behalf of)
 24 themselves and all other employees and former)
 employees similarly situated,)

26 Plaintiffs,

27 vs.

28 STIPULATION TO FILE DOCUMENT UNDER SEAL; [PROPOSED] ORDER
 Case No.: 3:08-CV-01190 SI;
 Case No.: 3:08-CV-01184 SI

1 ALDERWOODS GROUP, INC., PAUL A.)
 2 HOUSTON, SERVICE CORPORATION)
 INTERNATIONAL, SCI FUNERAL AND)
 3 CEMETERY PURCHASING)
 COOPERATIVE, INC., SCI EASTERN)
 4 MARKET SUPPORT CENTER, L.P., SCI)
 5 WESTERN MARKET SUPPORT CENTER,)
 L.P., a/k/a SCI WESTERN MARKET)
 6 SUPPORT CENTER, INC., and SCI)
 7 HOUSTON MARKET SUPPORT CENTER,)
 L.P.)
 8)
 Defendants.)
 9)

10 **STIPULATION**

11 Previously, Plaintiffs and Defendants agreed to, and the Court entered, a Stipulated Protective Order
 12 Pursuant to Fed. R. Civ. P. 26(C). (*Bryant* Docket No. 112; *Helm* Docket No. 124). That Protective Order, *inter*
 13 *alia*, set out a procedure permitting parties to designate certain discovery materials "CONFIDENTIAL." In
 14 response to discovery demands in this case, Defendants have designated certain documents "CONFIDENTIAL"
 15 pursuant to the Protective Order, and Plaintiffs have not currently challenged some of those designations.

16 Pursuant to Civil Local Rules 79-5 and 7-12, Plaintiffs and Defendants in these matters, through their
 17 undersigned counsel, hereby stipulate that in submitting Defendants' Reply in support of their pending motions to
 18 dismiss, Defendants may file under seal pursuant to the Protective Order the following documents, each of which
 19 has been designated "CONFIDENTIAL":

- 20 1. Defendants Service Corporation International, SCI Eastern Market Support Center, L.P., SCI
 21 Houston Market Support Center, L.P., Jane D. Jones, Gwen Petteway, Thomas Ryan and Curtis
 22 Briggs Reply in Support of Their Motion to Dismiss Complaint Pursuant to FRCP 12(B)(2) and
 23 FRCP 12(B)(6), which describes and quotes from materials Defendants have designated as
 24 "CONFIDENTIAL"
- 25 2. Defendants' Evidentiary Objections and Motion to Strike Portions of Plaintiffs' Consolidated
 26 Declaration of Sarah Cressman in Opposition to Defendants' Motions to Dismiss, for Partial
 27 Judgment on the Pleadings, and to Strike and Require a More Definite Statement and Motions for

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Stay and Award of Attorney Fees and Costs Pursuant to FRCP 41(d), which describes and quotes from materials Defendants have designated as "CONFIDENTIAL"

AGREED TO:

/s/Annette Gifford
Annette Gifford
Thomas & Solomon LLP
693 East Avenue
Rochester, New York 14607
Telephone: (585) 272-0540

/s/Nicholas P. Forestiere
Nicholas P. Forestiere
Gurnee & Daniels LLP
2240 Douglas Blvd., Suite 150
Roseville, CA 95661
Telephone: (916) 797-3100

Attorneys for Plaintiffs

Attorneys for Defendants

ORDER

Pursuant to the Stipulation of counsel and good cause appearing, the Court hereby orders that, in submitting Defendants' Reply in support of their pending motions to dismiss, Defendants may file under seal pursuant to the Protective Order the following documents, each of which has been designated "CONFIDENTIAL" by Defendants:

1. Defendants Service Corporation International, SCI Eastern Market Support Center, L.P., SCI Houston Market Support Center, L.P., Jane D. Jones, Gwen Petteway, Thomas Ryan and Curtis Briggs Reply in Support of Their Motion to Dismiss Complaint Pursuant to FRCP 12(B)(2) and FRCP 12(B)(6), which describes and quotes from materials Defendants have designated as "CONFIDENTIAL"
2. Defendants' Evidentiary Objections and Motion to Strike Portions of Plaintiffs' Consolidated Declaration of Sarah Cressman in Opposition to Defendants' Motions to Dismiss, for Partial Judgment on the Pleadings, and to Strike and Require a More Definite Statement and Motions for Stay and Award of Attorney Fees and Costs Pursuant to FRCP 41(d), which describes and quotes from materials Defendants have designated as "CONFIDENTIAL"

IT IS SO ORDERED:



Honorable Susan Illston
United States District Court

STIPULATION TO FILE DOCUMENT UNDER SEAL; [PROPOSED] ORDER

Case No.: 3:08-CV-01190 SI;
Case No.: 3:08-CV-01184 SI