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9 Attorneys for Plaintiffs

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO/OAKLAND DIVISION

13 CLAUDE BRYANT, JOSEPH BIERNACKI,)
 14 GORDON FARMER, RHEALYN HOLLAND,)
 15 JAMES STICKLE, ELEANOR RIGGIO, FRANK)
 16 ACUNA, RICHARD LAMASTERS, KENNETH)
 17 ALLEN, CRAIG FULCHER, SANFORD)
 18 LEVINE and THOMAS THOMPSON, on behalf)
 19 of themselves and all other employees and former)
 20 employees similarly situated,)

Case No. CV 08-1190-SI

STIPULATION TO FILE DOCUMENT UNDER SEAL; [PROPOSED] ORDER

21 Plaintiffs,

22 v.

23 SERVICE CORPORATION INTERNATIONAL,)
 24 SCI FUNERAL AND CEMETERY)
 25 PURCHASING COOPERATIVE, INC., SCI)
 26 EASTERN MARKET SUPPORT CENTER, L.P.,)
 27 SCI WESTERN MARKET SUPPORT CENTER,)
 28 L.P. a/k/a SCI WESTERN MARKET SUPPORT)
 CENTER, INC., SCI HOUSTON MARKET)
 SUPPORT CENTER, L.P., JANE D. JONES,)
 GWEN PETTEWAY, THOMAS RYAN, and)
 CURTIS BRIGGS,)

Defendants.

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STIPULATION

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

Pursuant to Civil Local Rules 79-5 and 7-12, Plaintiffs and Defendants in these matters, through their undersigned counsel, hereby stipulate that in responding to Defendants’ pending motions to dismiss, Plaintiffs may file under seal pursuant to the Protective Order the following documents, each of which has been designated “CONFIDENTIAL” by Defendants:

1. SCI Cash Balance Plan, bates number SCI(BRY) 00196 - 00271
2. “SCI 401(K) Retirement Savings Plan” Documents, bates number SCI(BRY) 00015 - 00195
3. Employee Handbooks, bates number SCI(BRY) 00272 - 00410
4. Flowcharts, bates number SCI(BRY) 00411 - 00414
5. Written agreements executed by Curtis Briggs, bates number CBRIGGS 0009 – 0029
6. Transcript of the deposition of Thomas Ryan taken on April 22, 2009
7. Plaintiffs’ Opposition to Defendants’ Motion to Dismiss Amended Complaint Pursuant to FRCP 12(b)(6) (Lack of *In Personam* Jurisdiction) or, Alternatively, FRCP 12(b)(6) (Failure to State a Claim Upon Which Relief Can be Granted), which describes and quotes from materials Defendants have designated as “CONFIDENTIAL”
8. 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”

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AGREED TO:

/s/ Annette Gifford
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Attorneys for Plaintiffs

Attorneys for Defendants

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ORDER

Pursuant to the Stipulation of counsel and good cause appearing, the Court hereby orders that, in responding to Defendants’ pending motions to dismiss, Plaintiffs may file under seal pursuant to the Protective Order the following documents, each of which has been designated “CONFIDENTIAL” by Defendants:

1. SCI Cash Balance Plan, bates number SCI(BRY) 00196 - 00271
2. “SCI 401(K) Retirement Savings Plan” Documents, bates number SCI(BRY) 00015 - 00195
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IT IS SO ORDERED:



Honorable Susan Illston
United States District Court