

1 JEROME SCHREIBSTEIN (SBN: 154051)
 LAW OFFICE OF JEROME SCHREIBSTEIN
 2 Embarcadero Center West
 275 Battery Street, Eighteenth Floor
 3 San Francisco, CA 94111
 Telephone: (415) 875-3355
 4 Facsimile: (415) 358-9885

5 Attorneys for Defendant
 BAYER HEALTHCARE LLC

6 KENNETH C. ABSALOM, State Bar No. 114607
 7 JAMES ACHERMANN, State Bar No. 262514
 LAW OFFICES OF NEVIN & ABSALOM
 8 22 Battery Street, Suite 333
 San Francisco, California 94111
 9 Telephone: (415) 392-5040
 Facsimile: (415) 392-3729
 10 Email: kenabsalom@333law.com

11 Attorneys for Plaintiff
 LAVON HILL, JR.

LAW OFFICE OF JEROME SCHREIBSTEIN
 ATTORNEYS AT LAW
 EMBARCADERO CENTER WEST
 275 BATTERY STREET, TWENTIETH FLOOR
 SAN FRANCISCO, CA 94111
 (415) 875-3355

13 **UNITED STATES DISTRICT COURT**
 14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

16 LAVON HILL, JR.)

17 Plaintiff,)

18 vs.)

19 BAYER HEALTHCARE LLC and DOES 1-20,)

20 Defendants.)

Case No. 3:09-CV-00235 JSW

**STIPULATION AND PROTECTIVE
 ORDER RE: SITE INSPECTION**

22 The parties, plaintiff Lavon Hill, Jr. (“plaintiff”) and defendant Bayer HealthCare LLC
 23 (“Bayer”), collectively referred to herein, at times, as the “Parties,” by and through their
 24 undersigned counsel, jointly request that the Court enter the following Protective Order
 25 regarding the upcoming Site Inspection in this matter.

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EMBARCADERO CENTER WEST
275 BATTERY STREET, TWENTIETH FLOOR
SAN FRANCISCO, CA 94111
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1 1 This Stipulation and Protective Order applies to the Site Inspection to take place
2 on February 26, 2010, from approximately 8:30 a.m. – 12:30 p.m., in specified areas of the
3 Filling and Freeze Drying Operations (FFD) comprising Building 49a, and associated facilities,
4 in Bayer’s Berkeley, California facilities located at 800 Dwight Way, Berkeley, CA 94701
5 (hereinafter, the “Site Inspection”). For purposes of the Site Inspection only, Bayer shall permit
6 the following personnel, along with the Parties, to enter said areas: (1) plaintiff’s expert
7 consultant, (2) one attorney from plaintiff’s counsel’s office, Nevin & Absalom, which names
8 shall be provided to Bayer’s counsel by Noon on February 25, 2010.

9 2. Plaintiff’s representatives shall abide by all rules, regulations and procedures
10 applicable to visitors/guests at Bayer’s facilities, including the rules, regulations and procedures
11 related to health and safety, aseptic processing, and proprietary information, as well as
12 mandatory procedures relative to gowning and other protective wear. Bayer shall not be
13 responsible for any injury to person or property of plaintiff’s representatives, including any
14 damage that may occur to the videographic or photographic equipment of plaintiff’s
15 representatives when same is subject to mandatory sanitization in pass-through to aseptic areas.

16 3. During the Site Inspection, plaintiff’s representatives may observe, photograph
17 and/or videotape FFD operations as are visible from areas in which visitors/guests are permitted.
18 Bayer shall reasonably cooperate in providing access to the performance of the essential
19 functions of the position as previously performed by plaintiff. In order to ensure minimal
20 disruption of Bayer employees’ work, the Parties agree that plaintiff’s representatives shall not
21 question or otherwise disturb Bayer employees, unless authorized by Bayer, including through its
22 counsel, at the time of the Site Inspection.

23 4. All videotapes, photographs, digital files, or other images, electronic or otherwise,
24 captured by plaintiff’s representatives during the Site Inspection shall be clearly marked as
25 “CONFIDENTIAL,” and shall be treated according to said designation of the Parties jointly
26 pursuant to the provisions of the Stipulated Protective Order (Docket # 30) entered by this Court
27 on December 17, 2009.
28

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: 2.24.10

/S/
Attorneys for Plaintiff
LAVON HILL, JR.
JAMES ACHERMANN

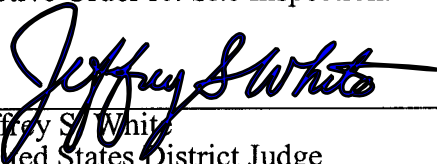
Dated: 2.24.10

/S/
Attorneys for Defendant
BAYER HEALTHCARE LLC
JEROME SCHREIBSTEIN

ORDER

PURSUANT TO STIPULATION, and good cause otherwise appearing, the Parties' above stipulated terms are entered as this Court's Protective Order re: Site Inspection.

Dated: February 25, 2010


Jeffrey S. White
United States District Judge

LAW OFFICE OF JEROME SCHREIBSTEIN
ATTORNEYS AT LAW
EMBARCADERO CENTER WEST
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SAN FRANCISCO, CA 94111
(415) 875-3355

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