

1 Roy A. Combs, SBN 123507  
 rcombs@fagenfriedman.com  
 2 Joshua A. Stevens, SBN 228239  
 jstevens@fagenfriedman.com  
 3 FAGEN FRIEDMAN & FULFROST, LLP  
 70 Washington Street, Suite 205  
 4 Oakland, California 94607  
 Phone: 510-550-8200  
 5 Fax: 510-550-8211

6 Attorneys for Defendants PITTSBURG  
 UNIFIED SCHOOL DISTRICT, BARBARA  
 7 WILSON AND PERCY MCGEE

8  
9 **UNITED STATES DISTRICT COURT**

10 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

11  
 12 TIM GALLI,  
 13 Plaintiff,  
 14 vs.  
 15 PITTSBURG UNIFIED SCHOOL  
 DISTRICT, BARBARA WILSON AND  
 16 PERCY MCGEE,  
 17 Defendants.

CASE NO. 3:09-cv-03775-JSW

**JOINT STIPULATION AND [PROPOSED]  
PROTECTIVE ORDER REGARDING  
CERTAIN DEPOSITION TESTIMONY**

Trial Date: May 9, 2011

18  
19 **THE PARTIES HEREBY STIPULATE AND REQUEST ENTRY OF THE**  
20 **FOLLOWING PROTECTIVE ORDER:**

- 21 1. Plaintiff has noticed the deposition of Joe Arenivar, a member of the Board of  
 22 Education of Defendant Pittsburg Unified School District.
- 23 2. Plaintiff, through his counsel, intends to inquire into subject matters that may call  
 24 for testimony about events occurring during closed session and subject to confidentiality under the  
 25 Ralph M. Brown Act under California Government Code Section 54950 *et seq.*
- 26 3. The Parties have meet and conferred regarding the scope of this examination and as  
 27 a result of this meet and confer the parties agree that Plaintiff may examine Trustee Arenivar and  
 28 Percy McGee on subjects discussed in closed session of the Pittsburg Unified School District that

**Fagen Friedman & Fulfro, LLP**  
 70 Washington Street, Suite 205  
 Oakland, California 94607  
 Main: 510-550-8200 • Fax: 510-550-8211

Fagen Friedman & Fulfroft, LLP  
70 Washington Street, Suite 205  
Oakland, California 94607  
Main: 510-550-8200 • Fax: 510-550-8211

1 are relevant to Tim Galli and this litigation and are not otherwise privileged, and that any such  
2 examination and testimony, including but expressly not limited to any transcripts thereof, shall  
3 remain confidential and subject to protective order, shall only be used in this action and any  
4 appellate proceedings that might follow from this action, and shall not be disclosed to any third  
5 person (except in a hearing or proceeding in this action) without written consent of the District or  
6 Court order.

7 4. Plaintiff has also noticed a second deposition of Defendants Percy McGee and  
8 Barbara Wilson, set to occur on Friday, September 3, 2010.

9 5. Plaintiff, through his counsel, intends to inquire into the subject matter(s) raised by  
10 Mr. McGee’s correction of his April 22, 2010 deposition testimony at page 64, lines 14 and 16.

11 6. The parties have met and conferred over the dispute regarding the scope of  
12 examination triggered by the above correction, including the scope of personal financial  
13 information that Mr. McGee may disclose given his duties and obligations to maintain client  
14 confidentiality under Federal Security & Exchange regulations applicable to Mr. McGee.

15 7. The Parties have agreed, as a result of these meet and confer discussions, that Mr.  
16 McGee may testify, to the extent of his knowledge, as to RGM and/or Ralph Caputo as to the  
17 following:

- 18 a. The existence, formation, and McGee’s participation in the Gallo Group
- 19 b. The number of accounts within Merrill Lynch and/or The Gallo Group to his knowledge;
- 20 c. The solicitation for business or other acquisition of business of RGM and/or  
21 Caputo.
- 22 d. The date such accounts were opened and/or closed within Merrill Lynch to his  
23 knowledge;
- 24 e. The date(s) he managed any of those accounts and the dates he ceased to managed  
25 any of those accounts, and why the accounts ceased (if they did);
- 26 f. McGee’s earnings from the accounts and the nature of those earnings (flat rate,  
27 commissions, origination fees, etc.).
- 28 g. The impact on McGee’s commissions from the loss of RGM and/or Caputo and/or

1 Wilson's accounts, if any, either managed by McGee or elsewhere within Merrill Lynch

2 h. The parties agree that the examination and testimony, including but expressly not  
3 limited to any transcripts thereof, shall remain confidential and subject to protective order, shall  
4 only be used in this action and any appellate proceedings that might follow from this action, and  
5 shall not be disclosed to any third person (except in a hearing or proceeding in this action) without  
6 written consent of the District or Court order

7 8. By this stipulation, no party waives their right to assert or challenge any other  
8 privilege, protection or objection in deposition. Nor does any party waive any right to pursue or  
9 seek enforcement of this stipulation or protective order upon entry by the Court.

10 9. All parties acknowledge the Court has the authority to fully enforce this stipulation,  
11 and protective order, including the authority to impose sanctions in the event of a breach by any  
12 party.

13 **SO STIPULATED.**

14 DATED: September 3, 2010

Respectfully submitted,

FAGEN FRIEDMAN & FULFROST, LLP

By: 

Roy A. Combs

Attorneys for Defendants PITTSBURG UNIFIED  
SCHOOL DISTRICT, BARBARA WILSON  
AND PERCY MCGEE

21 DATED: September 3, 2010

Respectfully submitted,

THE EMPLOYMENT LAW GROUP, P.C.

By: 

David Scher

Attorneys for Plaintiff TIM GALLI

Fagen Friedman & Fulfro, LLP

70 Washington Street, Suite 205  
Oakland, California 94607

Main: 510-550-8200 • Fax: 510-550-8211

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

**[PROPOSED] ORDER**

THE COURT HEREBY ACCEPTS THIS STIPULATION IN ACCORDANCE WITH  
ITS TERMS

DATED: September 7, 2010



Hon. Jeffrey S. White  
UNITED STATES DISTRICT JUDGE

00254.00140/221443.1

**Fagen Friedman & Fulfroft, LLP**  
70 Washington Street, Suite 205  
Oakland, California 94607  
Main: 510-550-8200 • Fax: 510-550-8211