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9 *Attorneys for Diego Borja and Sara Portilla*

10 UNITED STATES DISTRICT COURT
 11
 12 NORTHERN DISTRICT OF CALIFORNIA

13 In re Application of:) Case No. 10-MC-80324 CRB (EMC)
 14)
 15 Daniel Carlos Lusitand Yaiguaje, et al.,)
 16)
 17 Applicants,)
 18)
 19 For the Issuance of a Subpoena for the)
 20 Taking of a Deposition and the)
 21 Production of Documents in a Foreign)
 22 Proceeding Under 28 U.S.C. § 1782.)
 23)

24) Case No. 10-MC-80225 CRB (EMC)
 25 In re Application of:) (Related case)
 26)
 27 THE REPUBLIC OF ECUADOR,)
 28)
 Applicant,)
)
 For the Issuance of a Subpoena for the)
 Taking of Depositions and the)
 Production of Documents in a Foreign)
 Proceeding Under 28 U.S.C. § 1782.)
)

29 ~~[PROPOSED]~~ STIPULATION AND ORDER GOVERNING DISCLOSURE
 30 OF DOCUMENTS PURSUANT TO RULE 502
 31 OF THE FEDERAL RULES OF EVIDENCE

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THE PARTIES HEREBY STIPULATE to the following:

- (1) The purpose of this order is to allow disclosure of documents pursuant to the Court’s Order of February 22, 2011 (“Documents”) by Diego Borja, Sara Portilla, and their counsel (“the Borjas”) to Daniel Carlos Lusitand Yaiguaje, et al. (“Applicants”) while preserving all privileges and protections, including work product protection, that may apply to the documents prior to their disclosure.
- (2) The parties agree that the Borjas’ act of disclosing Documents to Applicants and/or any use the Borjas or Applicants make of the Documents in this proceeding does not constitute a waiver of any applicable attorney-client privilege or work product protection over the Documents, the communications contained therein, or their subject matter in this or any other proceeding, and that this agreement is to be interpreted to provide the greatest protection allowed under Federal Rule of Evidence 502, or otherwise permitted by law. Furthermore, the parties agree that Borja’s act of providing testimony in response to a question concerning any Document produced under this Order will not constitute a waiver of any applicable attorney-client privilege or work product protection
- (3) The parties agree that this Stipulation will constitute a binding agreement pursuant to Federal Rule of Evidence 502(d) and 502(e), and that Applicants will maintain the confidentiality of the Documents pursuant to the Court’s Protective Order of February 25, 2011 (Dkt. No. 46).

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SO STIPULATED:

Dated: March 10, 2011

By: /s/

Michael W. Anderson
Arguedas, Cassman & Headley LLP
Counsel for the Borjas

Dated: March 10, 2011

By: /s/

James Tyrrell (admitted *pro hac vice*)
Patton Boggs LLP
Counsel for Applicants

IT IS SO ORDERED.

Dated: 3/11/11

