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9 *Attorneys for Movant Diego Borja*

10 UNITED STATES DISTRICT COURT
 11
 12 NORTHERN DISTRICT OF CALIFORNIA
 13

14 In re Application of:) Case No. 10-MC-80225 CRB (EMC)
 15)
 16 THE REPUBLIC OF ECUADOR,)
 17)
 18 Applicant,)
 19)
 20 For the Issuance of a Subpoena for the)
 21 Taking of a Deposition and the)
 22 Production of Documents in a Foreign)
 23 Proceeding Under 28 U.S.C. § 1782.)
 24)

25) Case No. 10-MC-80324 CRB (EMC)
 26 In re Application of:) (Related case)
 27)
 28 Daniel Carlos Lusitand Yaiguaje, et al.,)
 29)
 30 Applicants,)
 31)
 32 For the Issuance of a Subpoena for the)
 33 Taking of Depositions and the)
 34 Production of Documents in a Foreign)
 35 Proceeding Under 28 U.S.C. § 1782.)
 36)

37 ~~[PROPOSED]~~ STIPULATION AND ORDER GOVERNING DISCLOSURE
 38 OF DEPOSITION TESTIMONY PURSUANT TO RULE 502
 39 OF THE FEDERAL RULES OF EVIDENCE
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THE PARTIES HEREBY STIPULATE to the following:

- (1) The parties agree that Diego Borja's act of providing testimony in connection with any documents identified as privileged in Borja's privilege logs shall not constitute a waiver by Borja of any privileges that Borja or Sara Portilla asserted in the privilege logs. This agreement is to be interpreted to provide the greatest protection allowed by Federal Rule of Evidence 502, or otherwise permitted by law. This agreement does not, however, increase Borja's rights or protection beyond that which existed prior to the disclosure of the documents.
- (2) 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 and Borja's testimony pursuant to the Court's Protective Order of February 25, 2011 (Dkt. No. 92).

SO STIPULATED:

Dated: March 14, 2011

By:

Michael W. Anderson
Arguedas, Cassman & Headley LLP
Counsel for Diego Borja

Dated: March 14, 2011

By:

Eric Bloom
Winston and Strawn
Counsel for Applicants

IT IS SO ORDERED.

Dated: March 18, 2011

