

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STATE OF CALIFORNIA,

Plaintiff,

No. C 17-03786 WHA

v.

VALERO ENERGY CORPORATION,
VALERO ENERGY PARTNERS LP, and
PLAINS ALL AMERICAN PIPELINE, L.P.,

**ORDER RE OBJECTIONS TO
PRODUCTION**

Defendants.

Third parties AOT Energy Americas, LLC and Kinder Morgan Inc. previously produced documents to the Federal Trade Commission in connection with an investigation into the purchase agreement between defendants Valero Energy Corporation, Valero Energy Partners L.P., and Plains All American Pipeline, L.P. Those documents were shared with the California Attorney General, which subsequently brought this action.

AOT and Kinder Morgan objected to the State of California’s production of those documents to defendants on the grounds that they contain highly confidential information. All parties to this action as well as AOT and Kinder Morgan appeared at a hearing on the objections on July 25. As stated on the record, the State of California **SHALL IMMEDIATELY PRODUCE** unredacted copies of the documents they received from AOT and Kinder Morgan to defendants, and shall refile an unredacted version of their motion for preliminary injunction and all supporting declarations and exhibits.

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Defendants, however, are not entitled to unconstrained access to these documents. Only certain personnel, as set forth below, shall be permitted to view the documents produced by AOT and Kinder Morgan:

- Two attorneys for Valero including Michael Perry of Baker Botts L.L.P. and one other Baker Botts attorney, as well as one Baker Botts legal support staff.
- Two attorneys for Plains including Christopher James of Vinson & Elkins L.L.P. and one other Vinson & Elkins attorney, as well as one Vinson and Elkins legal support staff.
- The expert jointly retained by defendants, Dr. Elizabeth Bailey, and one assistant at her firm.

Both Baker Botts and Vinson and Elkins shall submit sworn declarations by no later than **JULY 26 AT NOON** setting forth the names and positions of the personnel who will review the AOT and Kinder Morgan documents, and attesting that only those individuals will be given access to the documents in question and that they will comply with the protective order. Additionally, each individual designated to review these documents shall sign and file a copy of the protective order. At the conclusion of this action, defendants shall not retain any documents, electronic or hard copy, produced by AOT and Kinder Morgan, and all such documents shall be returned to the State of California.

IT IS SO ORDERED.

Dated: July 25, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE