

1 DUANE MORRIS LLP
 Karineh Khachatourian (CA SBN 202634)
 2 kkhachatourian@duanemorris.com
 Daniel T. McCloskey (CA SBN 191944)
 3 dtmccloskey@duanemorris.com
 4 Nikolaus A. Woloszczuk (CA SBN 286633)
 nawoloszczuk@duanemorris.com
 5 2475 Hanover Street
 Palo Alto, CA 94304-1194
 6 Telephone: 650.847.4150
 7 Facsimile: 650.847.4151

8 Attorneys for Defendants
 SQUARE ENIX, INC. and
 9 CRYSTAL DYNAMICS, INC.

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 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN FRANCISCO DIVISION

14 REARDEN LLC and REARDEN MOVA
 15 LLC,
 16 Plaintiffs,
 17 v.
 18 CRYSTAL DYNAMICS, INC., a California
 corporation, SQUARE ENIX, INC., a
 19 Washington Corporation,
 20 Defendants.

Case No. 17-cv-04187-JST

**JOINT STIPULATION AND
 [PROPOSED] ORDER CONCERNING
 PRODUCTION AND DESIGNATION OF
 CONFIDENTIAL DOCUMENTS PRIOR
 TO ENTRY OF PROTECTIVE ORDER**

Judge: Hon. Jon S. Tigar

1 Plaintiffs Rearden LLC and Rearden MOVA LLC (“Plaintiffs”) and Defendants Crystal
2 Dynamics, Inc. and Square Enix, Inc. (“Defendants”), by and through their counsel of record,
3 stipulate as follows:

4 **WHEREAS**, the Court has ordered that the case be divided into two tracks for discovery
5 (Dkt. No. 103);

6 **WHEREAS**, the Court has ordered under Track 1 that Defendants produce contracts and
7 documents containing Defendants’ and/or third-parties’ highly sensitive business and financial
8 information by August 31, 2018;

9 **WHEREAS**, the parties filed a joint stipulation to enter a Protective Order for submission
10 to the Court that has not yet been signed by the Court;

11 **WHEREAS**, the parties agree that confidentiality protections are needed for documents
12 and things produced in the interim period before a Protective Order is submitted to, and entered by
13 the Court;

14 **NOW THEREFORE**, for good cause, the parties stipulate as follows:

15 Any documents or things produced prior to entry of a Protective Order in this case may be
16 designated by the producing party as “HIGHLY CONFIDENTIAL—OUTSIDE ATTORNEYS’
17 EYES ONLY” and shall be treated as such by the receiving party or parties, that is, a receiving
18 party may only disclose such designated materials (including information derived from the
19 designated materials) to the receiving party’s outside attorney(s) of record, as well as employees
20 of said outside attorney(s) of record to whom it is reasonably necessary to disclose the information
21 for this litigation. After the Court enters a Protective Order, the terms of that order shall be
22 applied to any previously produced and designated documents or things. For purposes of track 1
23 of discovery in this case and only with respect to contracts produced pursuant to the Court’s
24 August 7, 2018 order for Track 1 as set forth therein, Steve Perlman is permitted to review such
25 documents in counsel for the producing party’s office at a mutually convenient date and time. Mr.
26 Perlman agrees that he cannot take notes, photographs or make copies of said documents. Mr.
27 Perlman also agrees to submit to the jurisdiction of the Court to enforce this stipulation in the
28 event of a breach and will sign the undertaking attached hereto.

1 **IT IS SO STIPULATED.**

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DUANE MORRIS LLP

Dated: August 29, 2018

By: /s/ Karineh Khachatourian
Karineh Khachatourian
Daniel T. McCloskey
Nikolaus A. Woloszczuk

Attorneys for Defendants,
SQUARE ENIX, INC. and CRYSTAL
DYNAMICS, INC.

HAGENS BERMAN SOBOL SHAPIRO

Dated: August 29, 2018

By: /s/ Steve W. Berman
Steve W. Berman
Mark S. Carlson
Rio S. Pierce

Attorneys for Plaintiffs,
REARDEN LLC and REARDEN MOVA
LLC

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: August 30, 2018



HON. JON S. TIGAR
United States District Judge

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CIVIL LOCAL RULE 5-1 ATTESTATION

I, Steve Berman, am the ECF user whose credentials were utilized in the electronic filing of this document. In accordance with Civil Local Rule 5-1(i)(3), I hereby attest that Karineh Khachatourian concurred in the filing of this document.

/s/ Steve Berman
Steve Berman

EXHIBIT A
ACKNOWLEDGMENT AND AGREEMENT TO BE BOUND

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3 I, _____ [print or type full name], of _____
4 [print or type full address], declare under penalty of perjury that I have read in its entirety and
5 understand the terms of this Stipulation and Stipulated Protective Order that was filed by the
6 United States District Court for the Northern District of California on August 28, 2018 in Case
7 No. 17-cv-04187-JST. I agree to comply with and to be bound by all the terms of this Stipulated
8 Stipulation and August 28, 2018 Protective Order and I understand and acknowledge that failure to
9 so comply could expose me to sanctions and punishment in the nature of contempt. I solemnly
10 promise that I will not disclose in any manner any information or item that is subject to this
11 Stipulation or the August 28, 2018 Stipulated Protective Order to any person or entity except in
12 strict compliance with the provisions of both.

13 I further agree to submit to the jurisdiction of the United States District Court for the
14 Northern District of California for the purpose of enforcing the terms of this Stipulation and the
15 August 28, 2018 Protective Order, even if such enforcement proceedings occur after termination
16 of this action.

17 I hereby appoint _____ [print or type full name] of
18 _____ [print or type full address and telephone number]
19 as my California agent for service of process in connection with this action or any proceedings
20 related to enforcement of this Stipulation or the August 28, 2018 Stipulated Protective Order.

21
22 Date: _____

23 City and State where sworn and signed: _____

24 Printed name: _____

25 Signature: _____
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