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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

WESTERN DIRECTORIES, INC.,

 Plaintiff,

 vs.

GOLDEN GUIDE DIRECTORIES, INC.,
WEST COAST YELLOW PAGES, INC.,
KEVIN TISDALE, MIKE MASON, TROY
OTUS, and DOES 1 through 20,

 Defendants.

Case No. CV 09-01625 CW (EDL)

**[PROPOSED] ORDER GRANTING
PLAINTIFF WESTERN DIRECTORIES,
INC.’S MOTION FOR LEAVE TO
CONDUCT EXPEDITED DISCOVERY
AS MODIFIED**

The Motion for Leave to Conduct Expedited Discovery (the “Motion”) of Plaintiff Western Directories, Inc. (“Western Directories”) came on for hearing on May 5, 2009, at 9:00 a.m., the Honorable Elizabeth D. Laporte presiding.

The Court has read and considered the Motion papers filed in support of and in opposition to the Motion, the arguments of counsel at the hearing, and the case file in this action. Good cause appears for the requested relief and the Court finds that the Motion should be GRANTED.

1. Western Directories may depose Defendant Kevin Tisdale on May 11, 2009. The deposition shall be limited to 3 hours, beginning at 1:00 p.m. at the offices of Bryan Cave, Two Embarcadero Center, Suite 1410, San Francisco, California, and shall not be in derogation of Western Directories’ right to depose Kevin Tisdale in the

1 ordinary course of discovery in this matter.

2 2. Kevin Tisdale shall, by Thursday, May 7, 2009, provide the laptop and desktop
3 computers he has from West Coast Yellow Pages' offices to counsel for Western
4 Directories, and provide any security passwords or codes necessary to access these
5 computers, so that the hard drives may be imaged and a forensic examination may
6 be conducted. In addition, he shall do his best to direct his daughter to provide to
7 counsel for Western Directories the second desktop computer he has from Western
8 Directories. However, Plaintiff shall make arrangements with Mr. Tisdale's
9 daughter directly. With respect to the data and documents in the hard drives, the
10 parties have agreed that the following categories of documents are relevant and
11 admissible in this action, and may be copied and used:

- 12 (a) all communications to or from any person or entity that was or is a
13 customer of West Coast Yellow Pages, Inc. or Western Directories,
14 including any information developed by Mr. Tisdale while he was an
15 employee, executive or officer of West Coast Yellow Pages, Inc.;
- 16 (b) all communications to or from any person or entity that was or is a
17 customer of West Coast Yellow Pages, Inc. or Western Directories; and
- 18 (c) any notes of any communications to or from any person or entity that was
19 or is a customer of West Coast Yellow Pages, Inc. or Western Directories.

20 The parties have further agreed that with respect to any other information or
21 documents found on the hard drives that Plaintiff contends are relevant: (i) Plaintiff
22 shall provide copies of such to Defendants and request that Defendants stipulate to
23 the relevancy and admissibility of such; (ii) in the event that Defendants believe in
24 good faith that a privilege protects certain data or information identified by
25 Plaintiff, Defendants shall prepare a privilege log listing those items; (iii) to the
26 extent that Defendants believe in good faith that certain documents or data
27 constitute trade secrets of Defendants, Defendants shall create a log of those items
28 and those items will be presumptively reviewable only by Plaintiff's attorneys,

1 subject to court review under the terms of a confidentiality agreement to be
2 negotiated between the parties; (iv) to the extent Plaintiff disagrees with
3 designations under (ii) or (iii), it shall be Plaintiff's burden to ask the court for
4 relief but Defendants' burden to establish their assertion; and (v) to the extent
5 Defendants believe that any document or data is irrelevant, it will be Defendants'
6 burden to move the court to exclude admission of such evidence if it is offered as
7 evidence to the court. Kevin Tisdale further agrees that he consents to the release
8 to Plaintiff by Alifano Technologies, LLC of his old computer hard drive, which
9 will be subject to all the provisions agreed to and specified above. Any inadvertent
10 disclosure of privileged information shall be governed by Rule 502 of the Federal
11 Rules of Evidence and disclosure of privileged information under this paragraph will
12 not waive the privilege.

13 3. Defendants shall produce those documents containing or reflecting Western
14 Directories' business information developed by West Coast Yellow Pages, Inc.,
15 including all documents created or generated by West Coast Yellow Pages, Inc. or
16 Western Directories, Inc., excepting only published directories, by noon on Friday,
17 May 8, 2009 at the offices of Bryan Cave, Two Embarcadero Center, Suite 1410,
18 San Francisco, California.

19 4. Western Directories may serve an interrogatory on Defendants Kevin Tisdale and
20 Troy Otus on or before May 7, requesting the work and home addresses and
21 telephone numbers of Defendant Mike Mason. Defendants Kevin Tisdale and Troy
22 Otus shall provide the responsive information no later than noon on Friday,
23 May 8, 2009.

24 IT IS SO ORDERED

25 Dated: May 7, 2009

Elizabeth D. Laporte

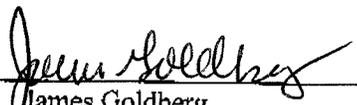
26 HON. ELIZABETH D. LAPORTE
27 UNITED STATES MAGISTRATE JUDGE
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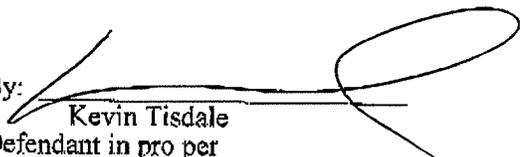
APPROVED AS TO FORM:

Dated: May 7, 2009

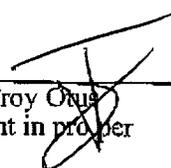
BRYAN CAVE LLP

By: 
James Goldberg
Attorneys for Plaintiff
WESTERN DIRECTORIES, INC.

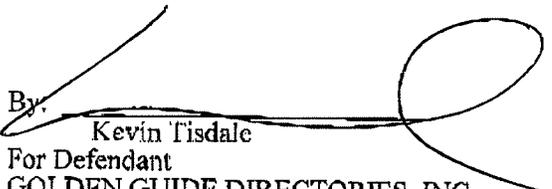
Dated: May 7, 2009

By: 
Kevin Tisdale
Defendant in pro per

Dated: May 7, 2009

By: 
Troy Ours
Defendant in pro per

Dated: May 7, 2009

By: 
Kevin Tisdale
For Defendant
GOLDEN GUIDE DIRECTORIES, INC.