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14 Attorneys for Plaintiff
 15 Sleep Science Partners, Inc.

16 **UNITED STATES DISTRICT COURT**
 17 **NORTHERN DISTRICT OF CALIFORNIA**
 18 **OAKLAND DIVISION**

19 SLEEP SCIENCE PARTNERS, INC., a
 20 California corporation,

21 Plaintiff,

22 vs.

23 AVERY LIEBERMAN, an individual,
 24 KATRINA WEBSTER, an individual,
 25 DANIEL WEBSTER, an individual,
 26 SLEEPING WELL, LLC, a Vermont limited
 27 liability corporation, and DOES 1-10,

28 Defendants.

Case No. CV09-4200CW

Honorable Claudia Wilken

**STIPULATION TO MODIFY
 STIPULATED PROTECTIVE ORDER
 DATED MARCH 10, 2010 (Docket #35)**

Plaintiff Sleep Science Partners, Inc. (“Plaintiff”) and Defendants Katrina Webster,
 Daniel Webster and Sleeping Well, LLC (“Defendants”) (collectively the “Parties”), by and
 through their respective counsel, have agreed to the terms of this Order.

1 WHEREAS, the Court entered a Stipulated Protective Order on or about March 10, 2010
2 (Docket #35) (the “Order”) governing the designation of information as confidential in this
3 litigation;
4

5 WHEREAS, paragraph 9 of the Order states that any information designated as
6 confidential can only be used for the purposes of this litigation and paragraph 12 of the Order
7 requires any modification to the Order to be in writing and approved of by the Court;

8 WHEREAS, the Parties wish to agree in writing to a limited modification of the Order to
9 permit Plaintiff to use the materials designated herein in an arbitration Plaintiff has filed against
10 Steven Welker with the AAA in San Francisco, CA, Case No. AAA 74 166 151 11 (the
11 “Arbitration”); and
12

13 WHEREAS, Steven Welker signed the Order and agreed to be bound by its terms on or
14 about June 11, 2010.
15

16 THEREFORE, Plaintiffs and Defendants stipulate to modify the Order as follows:

- 17 1. The parties agree to permit the following documents designated as *confidential* and/or
18 *highly confidential attorneys’ eyes only* in this litigation to be used in the Arbitration.

19 Bates #SW03579-confidential
20 Bates #SW03601-03602-HCAEO
21 Bates #SW03606-03607-HCAEO
22 Deposition Exhibit 72, Bates #SW02496-HCAEO
23 Deposition Exhibit 85, Bates #SW03519-03520-confidential
24 Deposition Exhibit 87, Bates #SW03468-03471-confidential
25 Deposition Exhibit 88, Bates #SW03484-03485-confidential
26 Deposition Exhibit 89, Bates #EURO00331-333-HCAEO
27 Deposition Exhibit 93, Bates #SW04344-04345-confidential
28 Deposition Exhibit 95, Bates #SW03467-confidential
Deposition Exhibit 101, Bates #SW03495-03496-confidential
Deposition Exhibit 103, Bates #SW03488-03490-confidential
Deposition Exhibit 107, Bates #SW03464-confidential
Deposition Exhibit 111, Bates #SW03361-03369-confidential
Deposition Exhibit 113, Bates #SW04352-HCAEO

1 Deposition Exhibit 115, Bates #SW03576-03577-confidential
2 Deposition Exhibit 119, Bates #SW04343-HCAEO
3 Deposition Exhibit 132, Bates #SW03329-03331-HCAEO
4 Deposition Exhibit 133, Bates #SW02486-02487-HCAEO
5 Deposition Exhibit 142 (not labelled but designated as confidential by Defendants)
6 Deposition Exhibit 192, Bates #SW03565-confidential

7 2. The parties further agree to permit the use of Steven Welker's deposition in the
8 Arbitration for the sole purposes of impeachment.

9 3. The parties further agreed that the following documents produced in this litigation but
10 which have no designation of confidentiality may be used in the Arbitration:

11 Deposition Exhibit 81, Bates #SW3611
12 Deposition Exhibit 82, Bates #SW3629
13 Deposition Exhibit 83, Bates #SW3632
14 Deposition Exhibit 86, Bates #SW3635
15 Deposition Exhibit 91, Bates #SW3766
16 Deposition Exhibit 92, Bates #SW3772-4
17 Deposition Exhibit 94, Bates #SW03630-none
18 Deposition Exhibit 110, Bates #SW3637-8
19 Deposition Exhibit 114, Bates #SW3627
20 Deposition Exhibit 121, EURO #382
21 Deposition Exhibit 197, Bates #SW1961-2

22 4. The parties agree to permit Heather Flick of SSP to view the above referenced
23 documents previously marked as *highly confidential attorneys' eyes only* in this
24 litigation for purposes of the Arbitration.

25 5. All documents designated by the parties as *Confidential and/or Highly Confidential*
26 *Attorneys' Eyes Only*, including those referenced herein, shall otherwise remain
27 subject to the terms of the Order. The terms of the Order shall govern the disclosure
28 and use of the documents referenced herein in the Arbitration.

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: 9/19/2011

By: 
CLAUDIA WILKEN, United States District Judge

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Respectfully submitted,

Dated: September 16, 2011

THE FLICK GROUP

By: /S/ Heather Flick

Heather Flick, Attorneys for Plaintiff

Dated: September 16, 2011

PRIMMER PIPER EGGLESTON & CRAMER

By: /S/ Gary Franklin

Gary Franklin, Attorneys for Defendants