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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

U.S. EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Applicant,

vs.

SECURITY INDUSTRY SPECIALISTS, INC.,

Respondent.

Case No.: 4:23-mc-80112-HSG

**STIPULATION AND ORDER
REGARDING APPLE INC.'S MOTION
TO INTERVENE AND APPLICATION
FOR PROTECTIVE ORDER, AND
CLARIFYING SCOPE OF SUBPOENA
SF-22-09**

1 **STIPULATION**

2 This stipulation is entered into by Applicant Equal Employment Opportunity Commission
3 (“EEOC”), Respondent Security Industry Specialists, Inc. (“SIS”), and Proposed-Intervenor Apple
4 Inc. (“Apple”), collectively, the “Parties.”

5 WHEREAS, the EEOC filed an Application for Order Enforcing Administrative Subpoena
6 SF-22-09 against SIS on April 10, 2023. (ECF No. 1);

7 WHEREAS, on June 28, 2023, the Court granted the EEOC’s Application to Enforce
8 Administrative Subpoena and ordered SIS to produce documents within 14 days (by July 12, 2023)
9 and certify that it produced all documents in Respondent’s possession, custody, and control
10 responsive to Subpoena SF-22-09, except for documents detailed in Request J. (ECF No. 19);

11 WHEREAS, Apple filed a Motion to Intervene and Application for Protective Order
12 (“Motion”) on July 12, 2023 (ECF No. 20), which sought a protective order for certain information
13 to be produced by SIS which it asserted contains Apple’s sensitive, proprietary and/or confidential
14 information;

15 WHEREAS, SIS produced documents on July 26 and 31, 2023 but withheld additional
16 documents pending Apple’s Motion;

17 WHEREAS, the Parties met and conferred to resolve the issues raised in Apple’s Motion.
18 (ECF No. 21, 25);

19 WHEREAS, the hearing for Apple’s Motion is currently set for October 12, 2023. (ECF No.
20 26);

21 THEREFORE, it is hereby stipulated and agreed that, subject to Court approval:

22 1. Apple filed its Motion to protect its sensitive, confidential, and/or proprietary
23 information. Apple shall be permitted to intervene in this subpoena enforcement action to effectuate
24 the full and efficient resolution of the EEOC’s subpoena enforcement action, as stipulated by the
25 Parties;

26 2. SIS may redact information which the EEOC has determined is not necessary to
27 advance its investigation of the charges of age discrimination filed by Mark Gonzales (550-2020-
28 01138) and Cynthia Tiberend (No. 550-2020-01138) at this time, as follows:

1 a. SIS may redact the street address (including city, state, and zip code) of a
2 single Apple business site whose location is confidential and not publicly known, provided
3 that SIS includes overlay text on the redactions with a pseudonym so that the EEOC can
4 readily identify that the redaction references the confidential site and can distinguish it from
5 other locations. To clarify, SIS may not redact the addresses of any other Apple locations,
6 including Apple Retail Stores, Apple headquarters, and publicly known Apple corporate
7 offices. The EEOC has provided a sample of the proposed redaction method to the Parties,
8 which can be done in software programs including Adobe Acrobat, attached as **Exhibit A**.

9 b. SIS may redact the dollar amounts of actual or proposed payment rates made
10 by Apple to SIS, as long as those redactions do not include information about the payment of
11 wages to SIS employees or the payments concerning the COVID-19 Screener program,
12 including any temporary pay increase made to COVID-19 Screeners the amount of any
13 payment rate intended to cover the temporary pay increase made to COVID-19 Screeners.

14 3. Apple may direct SIS to stamp documents that it believes contain information
15 protected from disclosure under Freedom of Information Act (FOIA) Exemption 4, 5 U.S.C. §
16 552(b)(4), consistent with 29 C.F.R § 1610.19(b) (predisclosure notification procedures for
17 confidential commercial information).

18 4. It is the EEOC's position that the Application for Protective Order is premature.
19 Apple will withdraw its application for protective order at this time. *See E.E.O.C. v. Anna's Linens*
20 *Co.*, No. C 06-80009 MISC MMC (WDB), 2006 WL 1329548 (N.D. Cal. May 15, 2006), *report and*
21 *recommendation adopted sub nom. E.E.O.C. v. Anna's Linens, Inc.*, No. C 06-80009 MISC MMC
22 (WDB), 2006 WL 1876625 (N.D. Cal. July 5, 2006); *E.E.O.C. v. Kidder Peabody, Peabody & Co.*
23 *Inc.*, No. M18-304, 1992 WL 73344, at *4 (S.D.N.Y. Apr. 2, 1992); *Valley Indus. Servs., Inc. v.*
24 *E.E.O.C.*, 570 F. Supp. 902, 905 (N.D. Cal. 1983).

25 5. SIS must produce all outstanding documents and information to the EEOC within 14
26 days of the Court's Order, and at the same time certify that it produced all documents in its
27 possession, custody, and control responsive to Subpoena SF-22-09, except for documents detailed in
28 Request J and redactions detailed in Paragraph 2 (a) & (b), above.

1 6. The October 12, 2023 hearing date and all related briefing deadlines will be taken off
2 calendar.

3 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.
4

5 Date: September 15, 2023

/s/ Mariko M. Ashley

Mariko M. Ashley
Attorney for Applicant
U.S. Equal Employment Opportunity
Commission

8 Date: September 15, 2023

/s/ Connor M. Day

Connor M. Day
Attorney for Respondent
Security Industry Specialists, Inc.

11 Date: September 15, 2023

/s/ Alison L. Tsao

Alison L. Tsao
Attorney for Proposed Intervenor
Apple Inc.

ORDER

1
2 Based on the foregoing stipulation of the Applicant U.S. Equal Employment Opportunity
3 Commission, Respondent Security Industry Specialists, Inc. and Proposed-Intervenor Apple Inc.,
4 and for good cause appearing, IT IS HEREBY ORDERED THAT

5 1. Apple’s Motion to Intervene in this subpoena enforcement is GRANTED to
6 effectuate the full and efficient resolution of this subpoena enforcement action, as stipulated by the
7 Parties;

8 2. SIS may redact the following information which is not necessary to the EEOC’s
9 investigation of the charges of age discrimination filed by Mark Gonzales (550-2020-01138) and
10 Cynthia Tiberend (No. 550-2020-01138) at this time:

11 a. SIS may redact the street address (including city, state, and zip code) of a
12 single Apple business site whose location is confidential and not publicly known, provided
13 that SIS includes overlay text on the redactions with a pseudonym so that the EEOC can
14 readily identify that the redaction references the confidential site and can distinguish it from
15 other locations. The redactions must be done in a manner consistent with **Exhibit A**. To
16 clarify, SIS may not redact the addresses of any other Apple locations, including Apple
17 Retail Stores, Apple headquarters, and publicly known Apple corporate offices.

18 b. SIS may redact the dollar amounts of actual or proposed payment rates made
19 by Apple to SIS, as long as those redactions do not include information about the payment of
20 wages to SIS employees or payments concerning the COVID-19 Screener program, including
21 any temporary pay increase made to COVID-19 Screeners or the amount of any payment rate
22 intended to cover the temporary pay increase made to COVID-19 Screeners.

23 3. Apple may direct SIS to stamp documents that it believes contain information
24 protected from disclosure under Freedom of Information Act (FOIA) Exemption 4, 5 U.S.C. §
25 552(b)(4), consistent with 29 C.F.R § 1610.19(b) (predisclosure notification procedures for
26 confidential commercial information).

27 4. Apple will withdraw its application for protective order. *See E.E.O.C. v. Anna’s*
28 *Linens Co.*, No. C 06-80009 MISC MMC (WDB), 2006 WL 1329548 (N.D. Cal. May 15, 2006),

1 *report and recommendation adopted sub nom. E.E.O.C. v. Anna's Linens, Inc.*, No. C 06-80009
2 MISC MMC (WDB), 2006 WL 1876625 (N.D. Cal. July 5, 2006); *E.E.O.C. v. Kidder Peabody,*
3 *Peabody & Co. Inc.*, No. M18-304, 1992 WL 73344, at *4 (S.D.N.Y. Apr. 2, 1992); *Valley Indus.*
4 *Servs., Inc. v. E.E.O.C.*, 570 F. Supp. 902, 905 (N.D. Cal. 1983).

5 5. SIS must produce all outstanding documents and information to the EEOC within 14
6 days of the Court's Order, and at the same time certify that it produced all documents in its
7 possession, custody, and control responsive to Subpoena SF-22-09, except for documents detailed in
8 Request J and redactions detailed in Paragraph 2 (a) & (b).

9 6. The October 12, 2023 hearing date and all related briefing deadlines are hereby
10 VACATED.

11
12 PURSUANT TO STIPULATION, IT IS SO ORDERED.

13
14 Dated: 9/15/2023


HON. HAYWOOD S. GILLIAM, JR.
U.S. District Court Judge



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