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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

AVOCET SPORTS TECHNOLOGY, INC., )  
ET AL., )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
AMER SPORTS CORPORATION, ET )  
AL., )  
 )  
Defendants. )

Case No.: C 08-04264 JW (PVT)  
**ORDER RE STIPULATED  
PROTECTIVE ORDER**

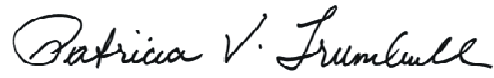
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On March 10, 2009, the parties in the above-captioned case filed a stipulated protective order to govern disclosure and discovery. Having reviewed the stipulated protective order, the court finds that it fails to require that the parties make a good faith determination that the information warrants protection under Rule 26(c). See [Proposed] Stipulated Protective Order, ¶1. Moreover, the proposed order should state that Rule 26(c) places on the party seeking protection the burden of establishing that protection is warranted. *Id.* Finally, Rule 26(c) does not appear to provide authority for avoiding in advance any waiver of privilege from the inadvertent production of privileged documents. *Id.* at ¶ 10. The parties are advised to review the model stipulated protective

1 order located on the court's website <[www.cand.uscourts.gov](http://www.cand.uscourts.gov)>.

2 IT IS SO ORDERED.

3 Dated: *March 12, 2009*



4 PATRICIA V. TRUMBULL  
5 United States Magistrate Judge

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