

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MAY MOUA,

Plaintiff,

v.

INTERNATIONAL BUSINESS
MACHINES CORPORATION, et al.,

Defendants.

Case No.: C 10-1070 JW (PVT)
**ORDER RE PARTIES' PROPOSED FORM
OF PROTECTIVE ORDER**
(Re: Docket No. 21)

On November 17, 2010, the parties submitted a proposed form of stipulated protective order.¹ Some of the provisions of the proposed form of order are not acceptable to the court.² Rather than spend time identifying all of the problems with the proposed form of order, the court finds it more efficient to direct the parties to use the one of the court's model forms of protective order. Therefore,

IT IS HEREBY ORDERED that, no later than December 1, 2010, the parties shall submit a revised form of protective order that uses the wording of the court's model "Stipulated Protective

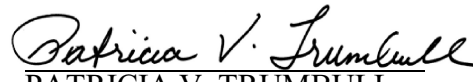
¹ The court notes that all discovery and disclosure matters are automatically referred to the assigned Magistrate Judge by virtue of the Court's San Jose Division's Standing Order Regarding Case Management in Civil Cases.

² For example, Paragraph 11 would *automatically* relieve a party of any waiver of privilege that would otherwise result from an inadvertent disclosure. Such determinations must be made based on the facts and circumstances surrounding specific inadvertent disclosures.

1 Order for Litigation Involving Patents, Highly Sensitive Confidential Information And/or Trade
2 Secrets” available in the “Forms” section of the court’s website (www.cand.uscourts.gov). If the
3 parties believe that modification³ of the court’s model form of order is reasonably necessary for the
4 present action, they shall also submit a joint brief explaining what modification they seek, and why it
5 is reasonably necessary for the present action.

6 IT IS FURTHER ORDERED that, pending entry of the final form of protective order, the
7 handling of confidential information shall be governed by the provisions of the court’s model
8 “Stipulated Protective Order for Litigation Involving Patents, Highly Sensitive Confidential
9 Information And/or Trade Secrets.”

10 Dated: 11/22/10

11 
12 PATRICIA V. TRUMBULL
13 United States Magistrate Judge
14
15
16
17
18
19
20
21
22
23
24
25
26

27 _____
28 ³ As used herein, “modification” does not include merely selecting one of two or more optional provisions so long as the wording of the option selected accurately reflects the wording in the court’s model form of order.