

1 2. Defendants will produce, for plaintiff, all other documents as ordered by this
2 Court and/or by agreement of the parties for which defendants claim a privilege subject to this
3 protective order.

4 3. Plaintiff, their agents, employees, attorneys and anyone acting in concert with
5 them and participating with them agree to not engage in nor perform any of the following:

6 a. Convey, transfer, copy, publish or distribute the information ordered
7 disclosed or developed pursuant to this protective order, nor authorize another to convey,
8 transfer, copy, publish or distribute the information disclosed to anyone other than plaintiffs
9 expert, consultant, investigator or client without court approval.

10 b. Use the records or information disclosed, discovered or developed for any
11 purpose other than in conjunction with the instant civil case proceedings pursuant to applicable
12 law.

13 4. That Plaintiff's attorney, upon request, shall return any and all materials disclosed
14 pursuant to this stipulation and order to Jane M. Boardman, Deputy City Attorney, 1200 Third
15 Avenue, Suite 1100, San Diego, California, immediately upon final disposition of this case.

16 5. That, upon the conclusion of the case, the court shall retain jurisdiction to resolve
17 any disputes arising out the release of any documents protected by this order.

18 6. That the Court has the authority to modify, at any time, the terms of this
19 protective order in the interests of justice or on public policy grounds.

20 7. This protective order shall not apply to public documents or documents disclosed
21 to the parties prior to the issuance of this protective order.

22 8. The parties shall meet and confer in a timely fashion to agree as to which
23 document(s), or portions thereof, regarding the definition of "unloaded" shall not be subject to
24 this protective order and may be disclosed publicly. If the parties are unable to agree regarding
25 this issue, it shall be determined by the Court.

26 9. Nothing shall be filed under seal, and the court shall not be required to take any
27 action, without separate prior order by the Judge before whom the hearing or proceeding will
28 take place, after application by the affected party with appropriate notice to opposing counsel.

1 If the Court grants a party permission to file an item under seal, a duplicate disclosing all
2 non-confidential information shall be filed and made part of the public record. The item may be
3 redacted to eliminate confidential material from the document. The document shall be titled to
4 show that it corresponds to an item filed under seal, e.g., “Redacted Copy of Sealed Declaration
5 of John Smith in Support of Motion for Summary Judgment.” The sealed and redacted
6 documents shall be filed simultaneously.

7 **IT IS SO ORDERED.**

8 Dated: June 30, 2010



9 Honorable Nita L. Stormes
10 United States Magistrate Judge

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28