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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY  DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Karan L. Zopatti, an individual,
Plaintiff,

vs.

Rancho Dorado Owners Association, a nonprofit
mutual benefit corporation; The Prescott
Companies, a California Corporation; and Lori
F. Chotiner, an individual; and DOES 1 through
25, inclusive,
Defendants.

Case No.: 10CV1091 DMS WVG

~~PROPOSED~~ PROTECTIVE ORDER

Complaint Filed: May 19, 2010

Date: N/A
Time: N/A
Judge: Dana M. Sabraw
Courtroom: 10

1 Upon stipulation by the parties hereto, the Court in the above entitled matter orders as follows:

2 PROTECTIVE ORDER

3 All medical information pertaining to Plaintiff, whether produced by Plaintiff, by another party
4 or non-party, including any medical information provided to Defendants or the Court prior to or
5 during the course of this litigation shall be treated as confidential pursuant to the terms of this
6 Protective Order. Such information is referred to herein as "Confidential Information."

- 7 1. Plaintiff, when producing any confidential medical information, documents and electronic
8 media, will designate such by marking those items as "Confidential."
- 9 2. Plaintiff has previously provided Defendants with confidential medical information. Those
10 documents are also considered confidential and shall be subject to the terms of this
11 Protective Order.
- 12 3. All medical information relating to Plaintiff received by Defendants from anyone other than
13 Plaintiff shall be considered confidential and shall be subject to the terms of this Protective
14 Order.
- 15 4. Defendants and counsel for Defendants will not disclose or disseminate the confidential
16 information to any individual or entity except to the Court and to persons representing or
17 assisting the parties in the prosecution or defense of this litigation and shall use such
18 information solely for the purpose of conducting this litigation.
- 19 5. Before Defendants' counsel permits any third-party (e.g., expert witnesses) or party they
20 represent in this action to view or inspect any of the confidential information, counsel shall
21 obtain a written agreement from such person that they shall abide by the terms of this
22 Protective Order.
- 23 6. Any party wishing to file a document with the Court that discloses Confidential Information
24 shall follow the procedures designated by the Court to file the documents under seal.
- 25 7. No document shall be filed under seal unless counsel secures a court order allowing the
26 filing of a document under seal. An application to file a document under seal shall be
27 served on opposing counsel, and on the person or entity that has custody and control of the
28 document, if different from opposing counsel. If opposing counsel, or the person or entity


1 who has custody and control of the document, wishes to oppose the application, he/she
2 must contact the chambers of the judge who will rule on the application, to notify the
3 judges staff that an opposition to the application will be filed.

- 4 8. Testimony taken at a deposition, conference, hearing or trial containing Confidential
5 Information may be designated as confidential by making a statement to that effect on the
6 record at the deposition or other proceeding. Arrangements shall be made with the court
7 reporter taking and transcribing such proceeding to separately bind such portions of the
8 transcript containing information designated as confidential, and/or to label such portions
9 appropriately.
- 10 9. In the event that any Confidential Information is used in any court proceeding in this action,
11 it shall not lose its confidential status through such use, and the party using such shall take
12 all reasonable steps to maintain its confidentiality during such use.
- 13 10. A document produced by Plaintiff that contains confidential information as identified in this
14 stipulated order shall not lose its confidential status solely because it was inadvertently not
15 marked by Plaintiff as confidential, or inadvertently not filed under seal. Plaintiff shall
16 notify all parties within 3 court days after learning of any inadvertent failure to mark or file
17 under seal. Upon notification, the document shall be marked as confidential and subject to
18 this order, and the parties will request that the Court seal the protected document after it has
19 been filed. The parties agree that no hearing dates shall be affected, and no other rights
20 waived as a result of a later designation of material as confidential.
- 21 11. Subject to the above, nothing in this Protective Order shall in any way limit the uses that
22 Plaintiff may make of her own confidential material. To the extent Plaintiff elects to
23 disclose publicly confidential material in a court filing (by not filing such under seal), all
24 other parties may do so likewise with the same confidential material filed by Plaintiff.
- 25 12. Nothing in this Protective Order shall prevent disclosure of material designated as
26 confidential where said disclosure is required by law. If Defendant is served with a
27 subpoena or otherwise believes it has a duty to disclose material designated as confidential,
28 Defendant shall promptly notify Plaintiff no less than 10 days prior to any such disclosure.

1 13. This Order is entered into solely for the purpose of facilitating the exchange of documents
2 and information between the parties to this action without involving the Court unnecessarily
3 in the process. Nothing in this Order nor the production of any information or document
4 under the terms of this Order nor any proceedings pursuant to this Order shall be deemed to
5 have the effect of admission or waiver by either party or of altering the confidentiality or
6 non-confidentiality of any such document or information or altering any existing obligation
7 of any party or the absence thereof.

8 14. This Protective Order shall remain in effect until final termination of this action including
9 appeals there from, at which time all confidential documents shall be returned to Plaintiff.

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11 IT IS SO ORDERED.

12  2/7/11

13 Magistrate Judge William Gallo
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