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6 UNITED STATES DISTRICT COURT
7 SOUTHERN DISTRICT OF CALIFORNIA

8
9 YOUNGEVITY INTERNATIONAL
10 CORP., et al.,

11 Plaintiffs,

12 v.

13 TODD SMITH, et al.,

14
15 Defendants.

Case No.: 16-cv-00704-BTM-JLB

**ORDER GRANTING JOINT
MOTION TO MODIFY
PROTECTIVE ORDER**

[ECF Nos. 103, 588]

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17 Before the Court is the parties' Joint Motion to Modify the Protective Order. (ECF
18 No. 588). A defendant in this action, William Andreoli, initiated litigation in another
19 action against specific plaintiffs and counterclaim defendants from this action, who have
20 asserted counterclaims against Andreoli. *See Andreoli v. Youngevity et al.*, Case No. 3:16-
21 cv-02922-BTM-JLB (the "Andreoli Litigation"). Good cause exists to modify a protective
22 order when such modification would avoid duplicative discovery. *CBS Interactive, Inc. v.*
23 *Etilize, Inc.*, 257 F.R.D. 195, 206 (N.D. Cal. 2009). To avoid discovery in the Andreoli
24 Litigation duplicative of that in the above-referenced action, the Court hereby modifies the
25 Protective Order in this case (ECF No. 103) as follows:

26 Subject to and in addition to the existing Protective Order (ECF No. 103),
27 Youngevity shall produce as part of its discovery in the Andreoli Litigation the following
28 documents from *Youngevity International et al. v. Todd Smith et al.*, Case No. 16-cv-00704,

1 and that the parties in the Andreoli Litigation may use the following documents in the
2 Andreoli Litigation subject to the requirements identified below:

- 3 • All documents produced by Wakaya in this action dated between July 1, 2015,
4 and June 1, 2016, and containing the term “*Andreoli*”¹ or “General Box”
- 5 • The following deposition transcripts and exhibits thereto:
 - 6 ○ Andre Vaughn
 - 7 ○ Barb Pitcock
 - 8 ○ Bernadette Trafton
 - 9 ○ Blake Graham
 - 10 ○ Brytt Cloward
 - 11 ○ David Briskie
 - 12 ○ David Roth
 - 13 ○ David Smith
 - 14 ○ Heath Clark
 - 15 ○ Heather Halls
 - 16 ○ Jennifer Halliday
 - 17 ○ Jimmy Hyun
 - 18 ○ Joel Wallach
 - 19 ○ Keith Halls
 - 20 ○ Kurt Venekamp
 - 21 ○ Kyle McGee
 - 22 ○ Marin Barney
 - 23 ○ Maxandra Desrosiers
 - 24 ○ Michelle Wallach
 - 25 ○ Michelle Wimberley
 - 26 ○ Mike Casperson
 - 27 ○ Mike Kolinski
 - 28 ○ Mike Randolph
 - Patti Gardner
 - Rachael Beet
 - Raymond Bennett
 - Rick Anson
 - Rodger Smith
 - Sanjeev Javia
 - Sheryl Emord

1 The “*” symbol indicates that all documents containing the term “Andreoli” with characters either before or after “Andreoli” may be used in the Andreoli litigation that are dated between July 1, 2015 and June 1, 2016, *i.e.* documents containing the term billandreoli@comcast.net.

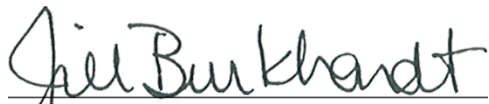
- Steve Wallach
- Tom Chenault
- TNT 30(b)(6)
- Wakaya 30(b)(6)
- William Andreoli
- Youngevity 30(b)(6)
- Mr. Geary (Expert)
- Mr. Fort (Expert)

Documents produced by Youngevity subject to this modification of the Protective Order shall be treated as documents produced by Wakaya, a non-party, pursuant to the terms of the protective order in the Andreoli Litigation. (*See Andreoli Litigation*, ECF No. 53 ¶ 28.)

Youngevity will, within three court days of this modification being entered by the Court, produce all documents and all deposition transcripts and exhibits thereto identified above to Plaintiff in the Andreoli Litigation.

Pursuant to the parties' stipulation at ECF No. 588, IT IS SO ORDERED.

Dated: September 13, 2018


Hon. Jill L. Burkhardt
United States Magistrate Judge