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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

SECURITIES AND EXCHANGE  
COMMISSION,  
  
Plaintiff,  
  
vs.  
ONGKARUCK SRIPETCH, AMANDA  
FLORES, BREHNNEN KNIGHT, ANDREW  
MCALPINE, ASHMIT PATEL, MICHAEL  
WEXLER, DOMINIC WILLIAMS,  
ADTRON INC. a/k/a  
STOCKPALOOZA.COM, ATG INC.,  
DOIT, LTD., DOJI CAPITAL, INC., KING  
MUTUAL SOLUTIONS INC., OPTIMUS  
PRIME FINANCIAL INC., ORCA  
BRIDGE, REDLINE INTERNATIONAL,  
and UAIM CORPORATION,  
  
Defendants.

Case No.: Number 20-cv-1864-H-BGS  
  
ORDER GRANTING JOINT MOTION  
BETWEEN PLAINTIFF AND  
DEFENDANT WEXLER FOR  
PROTECTIVE ORDER  
  
[ECF No. 143]

The Court recognizes that at least some of the documents and information (“materials”) being sought through discovery in the above-captioned action are, for investigative and privacy reasons, normally kept confidential by the parties. The Court

1 therefore orders that the parties are to be bound by the terms of this Protective Order  
2 (“Order”) in this action.

3 The materials to be exchanged throughout the course of the litigation between the  
4 parties may contain personally sensitive information or, with respect to third parties, any  
5 personal identifying information, including an individual’s social security number, tax  
6 identification number or tax return, home address or home telephone number, date of  
7 birth, financial account number or statement as described in Fed. R. Civ. P. 5.2 (“PII”) or  
8 trade secret or other confidential research, technical, cost, price, marketing or other  
9 commercial information, as is contemplated by Federal Rule of Civil Procedure  
10 26(c)(1)(G). The purpose of this Order is to protect the confidentiality of such materials  
11 as much as practical during the litigation. THEREFORE:

12 DEFINITIONS

13 1. The term “confidential information” will mean and include information  
14 contained or disclosed in any materials, including documents, portions of documents,  
15 answers to interrogatories, responses to requests for admissions, trial testimony,  
16 deposition testimony, and transcripts of trial testimony and depositions, including data,  
17 summaries, and compilations derived therefrom that is marked “CONFIDENTIAL” by  
18 any party to which it belongs at the time of production.  
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20 2. The term “materials” will include, but is not be limited to: documents;  
21 correspondence; memoranda; financial information, the true and/or assumed identity of  
22 confidential sources and undercover agents, tax returns, credit card information, account  
23 numbers, passwords, social security numbers and other forms of PII.

24 3. The term “counsel” will mean counsel of record, and other attorneys, paralegals,  
25 secretaries, and other support staff employed by counsel of record or his/her employer  
26 and any experts retained by counsel to assist in this litigation.  
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GENERAL RULES

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2 4. Each party to this litigation that produces or discloses any materials, answers to  
3 interrogatories, responses to requests for admission, trial testimony, deposition testimony,  
4 and transcripts of trial testimony and depositions, or information that the producing party  
5 believes should be subject to this Protective Order may going forward designate the same  
6 as “CONFIDENTIAL.” Any party may designate information as “CONFIDENTIAL” at  
7 the time of production only if, in the good faith belief of such party and its counsel, the  
8 unrestricted disclosure of such information could be potentially prejudicial to the  
9 business or operations of such party.

10 5. In the event the producing party elects to produce materials for inspection, no  
11 marking need be made by the producing party in advance of the initial inspection. For  
12 purposes of the initial inspection, counsel must notify the inspecting party if it should be  
13 treated as “CONFIDENTIAL” pursuant to the terms of this Order. Thereafter, upon  
14 selection of specified materials for copying by the inspecting party, the producing party  
15 must, within a reasonable time prior to producing those materials to the inspecting party,  
16 mark the copies of those materials that contain confidential information with the  
17 appropriate confidentiality marking.

18 6. Whenever a deposition taken on behalf of any party involves a disclosure of  
19 confidential information of any party:

- 20  
21 a. the portions of the deposition may be designated as containing  
22 confidential information subject to the provisions of this Order, if materials  
23 marked “CONFIDENTIAL” are introduced as an exhibit in the designated  
24 portion and/or discussed by the witness; such designation must be made on  
25 the record whenever possible, but a party may designate portions of  
26 depositions as containing confidential information after transcription of the  
27 proceedings; [A] party will have until fourteen (14) days after receipt of the  
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1 deposition transcript to inform the other party or parties to the designation of  
2 the portions of the transcript to be designated “CONFIDENTIAL.”

3 b. the disclosing party will have the right to exclude from attendance at the  
4 deposition, during such time as the confidential information is to be  
5 disclosed, any person other than the deponent, counsel (including their staff  
6 and associates), the court reporter, and the person(s) agreed upon pursuant to  
7 paragraph 8 below; and

8 c. the originals of the deposition transcripts and all copies of the deposition  
9 must bear the legend “CONFIDENTIAL” as appropriate, and the original  
10 or any copy ultimately presented to a court for filing must redacted to  
11 remove the portion(s) designated “CONFIDENTIAL.”

12 7. All confidential information designated as “CONFIDENTIAL” must not be  
13 disclosed by the receiving party to anyone other than those persons designated within this  
14 order and must be handled in the manner set forth below and, in any event, must not be  
15 used for any purpose other than in connection with this litigation, unless and until such  
16 designation is removed either by agreement of the parties, or by order of the Court.

17 8. Information designated “confidential” must be viewed only by counsel (as  
18 defined in paragraph 3) of the receiving party, by court personnel, and by the additional  
19 individuals listed below, provided each such individual has read this Order in advance of  
20 disclosure and has agreed in writing to be bound by its terms:

21 a. Executives and officers who are required to participate in policy decisions  
22 with reference to this action;

23 b. Technical personnel of the parties with whom Counsel for the parties find  
24 it necessary to consult, in the discretion of such counsel, in preparation for  
25 trial of this action; and  
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27 c. Stenographic and clerical employees associated with the individuals  
28 identified above.

1           10. With respect to material designated “CONFIDENTIAL” any person indicated  
2 on the face of the document to be its originator, author or a recipient of a copy of the  
3 document, may be shown the same.

4           11. All information which has been designated as “CONFIDENTIAL” by the  
5 producing or disclosing party, and any and all reproductions of that information, must be  
6 retained in the custody of the counsel for the receiving party identified in paragraph 3,  
7 except that independent experts authorized to view such information under the terms of  
8 this Order may retain custody of copies such as are necessary for their participation in  
9 this litigation.

10           12. Before any materials produced in discovery, answers to interrogatories,  
11 responses to requests for admissions, deposition transcripts, or other documents which  
12 are designated as confidential information are filed with the Court for any purpose, the  
13 party seeking to file such material must redact those portions marked “confidential” or, if  
14 redaction is impractical, seek permission of the Court to file the material under seal.

15           a. No document shall be filed under seal unless counsel secures a court order  
16 allowing the filing of a document under seal. An application to file a  
17 document under seal shall be served on opposing counsel, and on the person  
18 who has or entity that has custody and control of the document, if different  
19 from opposing counsel. If opposing counsel, or the person who has or entity  
20 who has custody and control of the document, wishes to oppose the  
21 application, they must contact the chambers of the judge who will rule on  
22 the application, to notify the judge’s staff that an opposition to the  
23 application will be filed.  
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25           13. At any stage of these proceedings, any party may object to a designation of the  
26 materials as confidential information. The party objecting to confidentiality must notify,  
27 in writing, counsel for the designating party of the objected-to materials and the grounds  
28 for the objection. If the dispute is not resolved consensually between the parties, the

1 parties must follow the procedures set forth in the assigned Magistrate Judges's  
2 Chambers Rules regarding resolution of discovery disputes. The materials at issue must  
3 be treated as confidential information, as designated by the designating party, until the  
4 Court has ruled on the objection or the matter has been otherwise resolved.

5 14. All confidential information must be held in confidence by those inspecting or  
6 receiving it, and must be used only for purposes of this action. Counsel for each party,  
7 and each person receiving confidential information must take reasonable precautions to  
8 prevent the unauthorized or inadvertent disclosure of such information. If confidential  
9 information is disclosed to any person other than a person authorized by this Order, the  
10 party responsible for the unauthorized disclosure must immediately bring all pertinent  
11 facts relating to the unauthorized disclosure to the attention of the other parties and,  
12 without prejudice to any rights and remedies of the other parties, make every effort to  
13 prevent further disclosure by the party and by the person(s) receiving the unauthorized  
14 disclosure.

15 15. No party will be responsible to another party for disclosure of confidential  
16 information under this Order if the information in question is not labeled or otherwise  
17 identified as such in accordance with this Order.

18 16. If a party, through inadvertence, produces any confidential information without  
19 labeling or marking or otherwise designating it as such in accordance with this Order, the  
20 designating party may give written notice to the receiving party that the document or  
21 thing produced is deemed confidential information, and that the document or thing  
22 produced should be treated as such in accordance with that designation under this Order.  
23 The receiving party must treat the materials as confidential, once the designating party so  
24 notifies the receiving party. If the receiving party has disclosed the materials before  
25 receiving the designation, the receiving party must notify the designating party in writing  
26 of each such disclosure. Counsel for the parties will agree on a mutually acceptable  
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1 manner of labeling or marking the inadvertently produced materials as  
2 “CONFIDENTIAL.”

3 17. Nothing within this order will prejudice the right of any party to object to the  
4 production of any discovery material on the grounds that the material is protected as  
5 privileged or as attorney work product.

6 18. Nothing in this Order will bar counsel from rendering advice to their clients  
7 with respect to this litigation and, in the course thereof, relying upon any information  
8 designated as confidential information, provided that the contents of the information must  
9 not be disclosed.

10 19. This Order will be without prejudice to the right of any party to oppose  
11 production of any information for lack of relevance or any other ground other than the  
12 mere presence of confidential information. The existence of this Order must not be used  
13 by either party as a basis for discovery that is otherwise improper under the Federal Rules  
14 of Civil Procedure.

15 20. Nothing within this order will be construed to prevent disclosure of  
16 confidential information if such disclosure is required by law or by order of the Court.

17 21. Upon final termination of this action, including any and all appeals, counsel for  
18 each party must return all confidential information to the party that produced the  
19 information, including any copies, excerpts, and summaries of that information, or must  
20 destroy same at the option of the receiving party, and must purge all such information  
21 from all machine-readable media on which it resides. However, this provision shall not  
22 apply to counsel for the Securities and Exchange Commission to the extent it conflicts  
23 with its statutory, regulatory or internal recordkeeping obligations. Furthermore,  
24 notwithstanding the foregoing, counsel for each party may retain all pleadings, briefs,  
25 memoranda, motions, and other documents filed with the Court that refer to or  
26 incorporate confidential information, and will continue to be bound by this Order with  
27 respect to all such retained information. Further, attorney work product materials that  
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1 contain confidential information need not be destroyed, but, if they are not destroyed, the  
2 person in possession of the attorney work product will continue to be bound by this Order  
3 with respect to all such retained information.

4 22. The restrictions and obligations set forth within this order will not apply to any  
5 information that: (a) the parties agree should not be designated confidential information;  
6 (b) the parties agree, or the Court rules, is already public knowledge; (c) the parties agree,  
7 or the Court rules, has become public knowledge other than as a result of disclosure by  
8 the receiving party, its employees, or its agents in violation of this Order; or (d) has come  
9 or will come into the receiving party's legitimate knowledge independently of the  
10 production by the designating party. Prior knowledge must be established by pre-  
11 production documentation.

12 23. The restrictions and obligations within this order will not be deemed to prohibit  
13 discussions of any confidential information with anyone if that person already has or  
14 obtains legitimate possession of that information.

15 24. Transmission by email or some other currently utilized method of transmission  
16 is acceptable for all notification purposes within this Order.

17 25. This Order may be modified by agreement of the parties, subject to approval by  
18 the Court.

19 26. The Court may modify the terms and conditions of this Order for good cause,  
20 or in the interest of justice, or on its own order at any time in these proceedings.

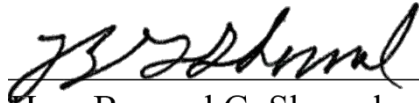
21 27. Without the need for designation as provided in Paragraph 4 above, any  
22 document or information exchanged in connection with the pre-trial phase of this action  
23 shall be deemed CONFIDENTIAL to the extent that any portion thereof contains, with  
24 respect to third parties, any PII, including an individual's social security number, tax  
25 identification number or tax return, home address or home telephone number, date of  
26 birth, medical information, financial account number, brokerage account number, or  
27 passwords.  
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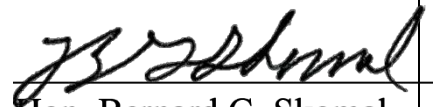


1           28.    This Order shall not limit Plaintiff Securities and Exchange Commission  
2 (“Commission”) from using or disclosing any materials, including Confidential  
3 Information, in a manner consistent with the Commission’s duties and authorities  
4 pursuant to any applicable laws and regulations, including as delineated in the  
5 Commission’s Form 1662 (available here: <https://www.sec.gov/files/sec1662.pdf>)  
6 (“Form 1662”).

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9 **IT IS SO ORDERED.**

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11 Dated:    March 5, 2024

12   
13 Hon. Bernard G. Skomal  
14 United States Magistrate Judge

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27 Hon. Bernard G. Skomal  
28 United States Magistrate Judge