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The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CITY OF SEATTLE, a first-class charter city,

Plaintiff,

v.

THE PROFESSIONAL BASKETBALL CLUB, LLC, an Oklahoma limited liability company,

Defendant.

No. C07-1620 MJP

STIPULATION AND [PROPOSED]
ORDER REGARDING FILING
CONFIDENTIAL DOCUMENTS
UNDER SEAL FOR USE IN
MOTIONS IN LIMINE

STIPULATION

Plaintiff City of Seattle (“the City”) and Defendant The Professional Basketball Club, LLC (“the PBC”), by and through their counsel of record, do hereby stipulate and agree the City and PBC can file certain documents and excerpts of deposition testimony in support of their respective motions *in limine* under seal. PBC and a third party designated documents and portions of the deposition of Clayton Bennett and Tim Ceis as either “Confidential Material” or “Attorneys Only Material” pursuant to the Protective Order Regarding Handling of Confidential and Attorneys Only Material (the “Protective Order”) in this matter, which the

STIPULATION REGARDING FILING
CONFIDENTIAL DOCUMENTS UNDER
SEAL FOR USE IN MOTIONS IN LIMINE- 1

Case No. C07-1620 MJP

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KIRKPATRICK & LOCKHART
PRESTON GATES ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022

1 Court approved on March 13, 2008. The City and PBC agree to respect these initial
2 designations of "Confidential" and "Attorneys Only Material," for the purposes of their
3 respective motions *in limine* only, and reserve their rights to object to or defend those
4 designations in the future.

5 DATED this 27th day of May, 2008.

6
7 **Stipulated to and presented by:**

8 THOMAS A. CARR
9 Seattle City Attorney

10 By: /s/
11 Gregory C. Narver, WSBA No. 18127
12 Assistant City Attorney
13 Attorney for Plaintiff City of Seattle

14 KIRKPATRICK & LOCKHART
15 PRESTON GATES & ELLIS, LLP

16 By: /s/
17 Paul J. Lawrence, WSBA No. 13557
18 Jeffrey Johnson, WSBA No. 23066
19 Jonathan Harrison, WSBA No. 31390
20 Michelle Jensen, WSBA No. 36611
21 Attorneys for Plaintiff City of Seattle

22 BYRNES & KELLER LLP

23 By: /s/
24 Bradley S. Keller, WSBA No. 10665
25 Paul R. Taylor, WSBA No. 14851
26 Steven C. Minson, WSBA No. 30974
Attorneys for Defendant The Professional Basketball Club, LLC

STIPULATION REGARDING FILING
CONFIDENTIAL DOCUMENTS UNDER
SEAL FOR USE IN MOTIONS IN LIMINE- 2

Case No. C07-1620 MJP

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KIRKPATRICK & LOCKHART
PRESTON GATES ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022

STIPULATED ORDER
[PROPOSED]

The Court, being fully advised on this matter and having considered the above stipulation, HEREBY ORDERS:

(1) Based on the parties' stipulation and agreement, the parties can file the following documents and excerpts of deposition testimony under seal:

Deposition	Page & Line
Clay Bennett	Page 334/Lines 18-25
Clay Bennett	Page 339/Line 22 through
Clay Bennett	Page 340/Line 10
Clay Bennett	Page 100/Lines 2-7
Clay Bennett	Page 98/Lines 5-15
Clay Bennett	Page 115/Lines 16 through
Clay Bennett	Page 152/Line 22
Clay Bennett	Page 150/Line 11 through
Clay Bennett	Page 151/Line 5
Clay Bennett	Page 152/Lines 2-22
Clay Bennett	Page 154/Line 15 through
Clay Bennett	Page 155/Line 9
Clay Bennett	Page 157/Line 24 through
Clay Bennett	Page 158/Line 20
Clay Bennett	Page 100/Lines 2-7
Clay Bennett	Page 129/Lines 1-8
Clay Bennett	Page 136/Line 24 through
Clay Bennett	Page 137/Line 7
Clay Bennett	Page 118/Line 1 through
Clay Bennett	Page 119/Line 1
Clay Bennett	Page 118/Lines 20-24
Clay Bennett	Page 127/Lines 14 through
Clay Bennett	Page 128/Line 6
Clay Bennett	Page 127/Lines 14-25
Clay Bennett	Page 298/Lines 12-23
Tim Ceis	Page 38

STIPULATION REGARDING FILING
CONFIDENTIAL DOCUMENTS UNDER
SEAL FOR USE IN MOTIONS IN LIMINE- 3

Case No. C07-1620 MJP

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KIRKPATRICK & LOCKHART
PRESTON GATES ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022

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2 (2) Good cause exists under LR 5(g) and FRCP 26(c)(1)(G) to seal these
3 documents from public view because the parties seek to respect the initial designations of
4 documents and testimony designated as “Confidential” or “Attorneys Only Material.”

5 (3) The City shall have the right to object or defend those designations in the
6 future in the manner prescribed by the Protective Order and, if necessary, to seek relief from
7 the Court to address any unresolved objections.

8 (4) PBC shall have the right to object or defend those designations in the future in
9 the manner prescribed by the Protective Order and, if necessary, to seek relief from the Court
10 to address any unresolved objections.

11 **IT IS SO ORDERED.**

12
13
14 DATED this ____ day of May, 2008.

15
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17 _____
18 JUDGE MARSHA J. PECHMAN
19 UNITED STATES DISTRICT COURT
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26 STIPULATION REGARDING FILING
CONFIDENTIAL DOCUMENTS UNDER
SEAL FOR USE IN MOTIONS IN LIMINE- 4

Case No. C07-1620 MJP

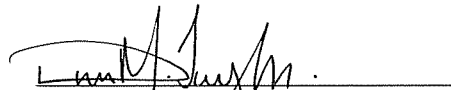
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KIRKPATRICK & LOCKHART
PRESTON GATES ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022

1
2
3 CERTIFICATE OF SERVICE
4

5 I hereby certify that on May 27, 2008, I electronically filed the foregoing with the
6 Clerk of the Court using the CM/ECF system which will send notification of such filing to the
7 following:

8 Mr. Bradley S. Keller
9 Mr. Paul R. Taylor
10 Byrnes & Keller LLP
11 1000 2nd Avenue
12 38th Floor
13 Seattle, WA 98104-1094

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Dawn M. Taylor, Legal Assistant