

The Honorable Marsha J. Pechman

FILED  
LODGED  
JUN 6 - 2008  
AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

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



07-CV-01620-ORD

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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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  
Assistant City Attorney  
Attorney for Plaintiff City of Seattle

12 KIRKPATRICK & LOCKHART  
13 PRESTON GATES & ELLIS, LLP

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

17  
18 BYRNES & KELLER LLP

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

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25  
26 STIPULATION REGARDING FILING  
CONFIDENTIAL DOCUMENTS UNDER  
SEAL FOR USE IN MOTIONS IN LIMINE- 2

Case No. C07-1620 MJP

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**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:

<b>Deposition</b>	<b>Page &amp; Line</b>
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  
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Case No. C07-1620 MJP

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

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

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

**IT IS SO ORDERED.**

DATED this 5 <sup>June</sup> day of ~~May~~, 2008.

  
JUDGE MARSHA J. PECHMAN  
UNITED STATES DISTRICT COURT

STIPULATION REGARDING FILING  
CONFIDENTIAL DOCUMENTS UNDER  
SEAL FOR USE IN MOTIONS IN LIMINE- 4

Case No. C07-1620 MJP

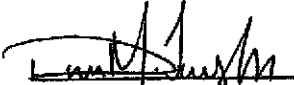
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CERTIFICATE OF SERVICE

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

Mr. Bradley S. Keller  
Mr. Paul R. Taylor  
Bymes & Keller LLP  
1000 2nd Avenue  
38th Floor  
Seattle, WA 98104-1094

  
Dawn M. Taylor, Legal Assistant

CERTIFICATE OF SERVICE - 1

Case No. C07-01620-MJP

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