

1 Christopher Marks, WSBA #28634
2 Sedgwick LLP
3 520 Pike Tower
4 520 Pike Street, Suite 2200
5 Seattle, Washington 98101
6 (855) 855-8573

7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 THOMAS A. JOHNSON and BARBARA C.
11 JOHNSON, Husband and Wife,

12 Plaintiffs,

13 v.

14 AIR & LIQUID SYSTEMS CORP., et al.,

15 Defendants.

No. 2:17-cv-00834-TSZ

**STIPULATED PROTECTIVE
ORDER**

16 This matter is before the Court on the parties' Joint Motion for Entry of Stipulated
17 Protective Order. Plaintiff, THOMAS A. JOHNSON, has brought this action against
18 Defendant CBS Corporation, a Delaware corporation, f/k/a Viacom Inc., successor by merger
19 to CBS Corporation, a Pennsylvania corporation, f/k/a Westinghouse Electric Corporation
20 ("Westinghouse"). Plaintiff and Westinghouse have commenced discovery and desire that the
21 disclosure of all documents and information in this action shall comply with the applicable
22 Arms Export Controls Act, U.S. Export Administration Regulations ("EAR") and the Export
23 Administration Act, the International Traffic in Arms Regulations ("ITAR") and the export
24 control laws of the U.S. Government. Plaintiff and Westinghouse have stipulated and

1 established that good cause exists for the entry of a Protective Order.

2 **THEREFORE, IT IS HEREBY STIPULATED BETWEEN THE PARTIES AND**
3 **ORDERED AS FOLLOWS:**

4 1. Plaintiff and Westinghouse agree that the disclosure of all documents and
5 information in this action, including during all discovery matters, such as depositions,
6 document productions, interrogatory responses, expert reports and party admissions, and all
7 court and trial presentations shall comply with the applicable U.S. Export Administration
8 Regulations (“EAR”), the International Traffic in Arms Regulations (“ITAR”) and the export
9 control laws of the U.S. Government (documents and information subject to such laws are
10 referred to collectively as “export controlled documentation”).

11 2. Export controlled documentation shall not be disclosed to any person, including
12 any party, witness, consultant, expert or corporate representative that is not a United States
13 citizen or lawful permanent resident of the United States or a protected individual granted
14 asylum or refugee status or to a foreign corporation that is not organized or incorporated to do
15 business in the United States (collectively known as “non-US persons”).

16 3. The statement **“Export controlled - this document contains data whose**
17 **export/ transfer/disclosure is restricted by US law. Dissemination to non-US persons**
18 **whether in the United States or abroad requires an export license or other**
19 **authorization,” “Export Controlled,”** or similar shall be placed on each individual page of
20 all export controlled documentation in order to properly identify that the document is
21 considered by Westinghouse to be export controlled documentation. The list of export
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24

1 controlled documentation presently identified as subject to this Stipulated Protective Order is
2 attached as Exhibit A.

3 4. Unless ordered by the Court, or otherwise provided for herein, the export
4 documentation disclosed shall be kept confidential in accordance with the terms of this Order,
5 and will be held and used by the party receiving such information solely in connection with this
6 civil action and will be used for no other purpose.

7 5. In the event Plaintiff challenges Westinghouse's designation of a document,
8 statement, report, or testimony as export controlled, counsel shall make a good faith effort to
9 resolve the dispute, and in the absence of a resolution, the challenging party may thereafter
10 seek resolution by the Court, but shall abide by the designation pending the Court's resolution.

11 Nothing in this Stipulated Protective Order operates to create an admission by any party that
12 export controlled documentation disclosed in this case is relevant or admissible. Each party
13 specifically reserves the right to object to the use or admissibility of all export controlled
14 documentation disclosed, in accordance with applicable law and Court rules.

15 6. At the conclusion of litigation, the export controlled documentation and any
16 copies thereof shall be promptly (and in no event later than forty-five (45) days after entry of
17 final judgment) returned to Westinghouse or certified as destroyed. For the purposes of this
18 paragraph, the "conclusion of litigation" shall mean by settlement, by the final decision of the
19 Court that has become nonappealable, or by a final disposition on appeal.

20 7. No party shall, for himself/herself or itself or for any person or persons acting
21 on his/her or its behalf, make electronic copies of any export controlled documentation or
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1 transmit export controlled documentation by electronic means.

2 8. The foregoing is entirely without prejudice to the right of any party to apply to
3 the Court for any further Protective Order relating to export documentation; or to object to the
4 production of documents or information; or to apply to the Court for an order compelling
5 production of documents or information; or for modification of this Order; or to seek any other
6 relief from the Court.

7
8 9. The parties agree to submit this Stipulated Protective Order for entry by the
9 Court and to be bound by its terms prior to and subsequent to entry by the Court.

10 **THIS PROTECTIVE ORDER OF CONFIDENTIALITY AGREED TO BY:**

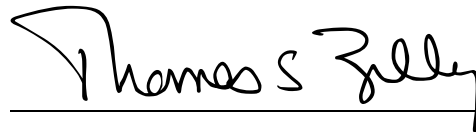
11 Date: November 22, 2017 By: s/Elizabeth McLafferty
12 Elizabeth McLafferty, WSBA #45291
13 Attorney for Plaintiff

14 Date: December 11, 2017 By: s/Christopher S. Marks
15 Christopher S. Marks, WSBA #28634
16 Attorney for Defendant CBS Corporation

17 The Court has reviewed the parties' Joint Motion for Entry of Stipulated Protective
18 Order. Having considered relevant factors, the Court finds good cause to maintain the
19 confidentiality of the materials.

20 IT IS ORDERED adopting as set forth in the Stipulated Protective Order.

21 DATED this 13th day of December, 2017.

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23 Thomas S. Zilly
24 United States District Judge

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EXHIBIT A
DOCUMENTS SUBJECT TO STIPULATED PROTECTIVE ORDER
Thomas A. Johnson v. Air & Liquid Systems Corp., et al. Case No. No. 2:17-cv-00834-TSZ

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|---------------------------------|--|
| USS Charles E. Brannon (DE-446) | CEBRN-22 to -28; -37 to -38; -58; -80 to -86; -95 to -96 |
| USS Rombach (DE-364) | RMBCH-26 to -31; -51 to -55; -82; -93; -111 to -112 |
| USS Yorktown (CV-10) | YRKTN-89 to -92; -123 to -124; 130 to -131 |
| USS Waddell (DDG-24) | WADL-45 to -63; -92 to -97; -115 to -121; -133 to -137; -142 to -145; -150 to -153 |