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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

Eagle Harbor Holdings, LLC, and
MediusTech, LLC,

Plaintiffs,

v.

Ford Motor Company,

Defendant.

Case No. 3:11-cv-05503-BHS

STIPULATION REGARDING NON-
WAIVER OF PRIVILEGE PURSUANT
TO FEDERAL RULE OF EVIDENCE
502(d)

To avoid burdening the Court with a discovery dispute, the parties, through the undersigned counsel, respectfully request that the Court enter an order under Federal Rule of Evidence 502(d) to govern the production of certain communications between Plaintiffs Eagle Harbor Holdings, LLC, MediusTech, LLC and any predecessor companies, including Medius, Inc. (collectively " Medius") and any attorney, including Steve Ford. Medius will agree to provide requested discovery concerning any communications that: (a) have been or otherwise would be withheld from production or disclosure based on a claim of privilege; and (b) that transmitted, attached, referred to or discussed materials that Defendant Ford Motor Company contends reflects or contains its asserted trade secrets; or, if none exists, to deny that any such communications exist, on the condition that any applicable privilege, including the attorney-client privilege and work product doctrine, are not waived over those documents or their subject matter.

*STIPULATION REGARDING NON-WAIVER OF
PRIVILEGE PURSUANT TO FEDERAL RULE OF
EVIDENCE 502(d)
Case No. 3:11-cv-05503-BHS*

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1 Federal Rule of Evidence 502(d) states that a Federal court may order that the privilege or
2 protection is not waived by disclosure connected with the litigation before the court, in which
3 event the disclosure is also not a waiver in any other Federal or state proceeding. Fed. R. Evid.
4 502(d). In order to advance the progress of this litigation, and to eliminate the need for a
5 discovery dispute regarding this issue, the parties respectfully ask the Court to enter the attached
6 order declaring that the production of certain Medius documents will not constitute a waiver of
7 privilege.

1 Dated: November 14, 2014

SUSMAN GODFREY L.L.P.

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27 **STIPULATION REGARDING NON-WAIVER OF
PRIVILEGE PURSUANT TO FEDERAL RULE OF
EVIDENCE 502(d)**

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27 *STIPULATION REGARDING NON-WAIVER OF
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EVIDENCE 502(d)*

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ORDER

It is HEREBY ORDERED that, pursuant to Federal Rule of Evidence 502(d), providing Defendant Ford Motor Company's requested discovery concerning any communications that: (a) have been or otherwise would be withheld from production or disclosure based on a claim of privilege; and (b) that transmitted, attached, referred to or discussed materials that Defendant Ford Motor Company contends reflects or contains its asserted trade secrets, will not waive any applicable privilege, including the attorney-client privilege and work product doctrine, over those documents or their subject matter. Likewise, any denial by Medius that any such communications exist, will not waive any applicable privilege.

Dated this 19th day of November, 2014.



BENJAMIN H. SETTLE
United States District Judge