

**ORIGINAL**

FILED \_\_\_\_\_ ENTERED \_\_\_\_\_  
LODGED \_\_\_\_\_ RECEIVED \_\_\_\_\_  
AUG 03 1999 MR

THE HONORABLE ROBERT J. BRYAN

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY \_\_\_\_\_ DEPUTY

ENTERED  
ON DOCKET

Received From  
SEATTLE

AUG 16 1999

AUG 04 1999

By Deputy \_\_\_\_\_

FILED \_\_\_\_\_ LODGED \_\_\_\_\_  
RECEIVED \_\_\_\_\_  
AUG 16 1999  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA  
BY \_\_\_\_\_ DEPUTY

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

WAL-MART STORES, INC.,

Defendant.

CIVIL ACTION NO. C98-5535RJB

STIPULATION FOR  
PROTECTIVE ORDER AND  
PROPOSED ORDER

The parties to this action, plaintiff Equal Employment Opportunity Commission and defendants Wal-Mart Stores, Inc., by and through their undersigned counsel, hereby agree and stipulate as follows:

1. This stipulation concerns documents that are produced by the parties in connection with this action and that the parties agree contain confidential information. The confidentiality provisions stipulated to herein shall govern the following agreed "Confidential" materials:

a. Employment application forms containing social security numbers; and training materials, not including employee handbooks, and all social security numbers of employees and former employees;

b. Other documents that may be produced from time to time by any party hereto and as to which the parties agree to designate as "Confidential." In the absence of an agreement as to designation of documents as confidential, the party requesting the designation will bring a motion

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Seattle District Office  
Federal Office Building  
909 First Avenue, Suite 400  
Seattle, Washington 98104-1061  
Telephone (206) 220-6883  
Fax (206) 220-6911  
TDD (206) 220-6882

15

1 to the court for resolution, pursuant to paragraph five (5) below.

2           2.       The parties acknowledge the privacy and business considerations involved in  
3 disclosure of Confidential materials. At the same time, the parties recognize the need to have access  
4 to evidence in the possession, custody, or control of the other party.

5           Therefore, in an effort to address these issues, the parties agree all Confidential materials will  
6 be so designated and will be subject to the following conditions:

7                   a.       Documents or information contained in confidential materials shall not be  
8 disclosed to any persons other than:

9                               (1)       Counsel for the parties and counsel's employees to the extent  
10 reasonably necessary to render professional services in this litigation;

11                              (2)       Prospective witnesses, including experts, if and only if such persons  
12 are informed of the terms of this Order and sign a statement, attached as Exhibit A, agreeing to be  
13 bound by it;

14                              (3)       Persons to whom disclosure is necessary to permit use of any covered  
15 documents as an exhibit in this lawsuit, in which case the exhibit shall be filed under seal.

16           3.       If a party wishes to file any document covered by this order as an exhibit to a motion  
17 or with any other court filing, such document shall be filed under seal. Pleadings or briefs may refer  
18 to the existence of the covered documents, but if any pleading, brief or other court filing contains  
19 information obtained solely from a covered document, that submission shall be filed under seal.

20           4.       The foregoing obligations of confidentiality shall not apply to any of the above  
21 persons or parties as to any part of the documents or information that was (a) previously known to or  
22 in the possession of such person or party (except to the extent it is subject to some other  
23 confidentiality obligation); (b) available to the public at the time of production; or (c) subsequently  
24 disclosed by the party seeking confidentiality to others who are not under obligations of  
25 confidentiality to the parties.

26           5.       If any party to this litigation disputes the applicability of this order to any documents  
27 or information, then the parties shall attempt to resolve the dispute on an informal basis. If the

**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Seattle District Office**  
Federal Office Building  
909 First Avenue, Suite 400  
Seattle, Washington 98104-1061  
Telephone (206) 220-6883  
Fax (206) 220-6911  
TDD (206) 220-6882

1 dispute is not informally resolved, then the dispute may be submitted by motion of one of the parties  
2 to the court for a decision.

3 6. Persons obtaining access to confidential documents under this order shall use the  
4 information only for preparation and trial of this litigation.

5 7. This stipulation may be amended without leave of the court by an agreement of  
6 counsel in the form of a stipulation to be filed with the court.

7 8. At the conclusion of this lawsuit, including any appeals, the parties will destroy all  
8 documents covered by this order, except for any original documents provided to a party who is  
9 obligated to return the original documents to the producing party.

10 9. The parties request the Court to enter an order consistent with this stipulation.

11  
12 DATED this 3rd day of August, 1999.

13 Respectfully Submitted,

14 A. LUIS LUCERO, JR.  
15 Regional Attorney

C. GREGORY STEWART  
General Counsel

16 BARBARA STANDAL  
17 Supervisory Trial Attorney

GWENDOLYN YOUNG REAMS  
Associate General Counsel

18 MICHELLE GONZALEZ  
19 Trial Attorney

20 EQUAL EMPLOYMENT OPPORTUNITY  
21 COMMISSION

22 Seattle District Office  
23 909 First Avenue, Suite 400  
24 Seattle, Washington 98104  
25 Telephone (206) 220-6914

Office of General Counsel  
1801 "L" Street, NW  
Washington, DC 20507

26 BY: Michelle Gonzalez

Attorneys for Plaintiff

27

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

Linda A. Whittaker  
Corporation Litigation Counsel  
Wal-Mart Stores, Inc.  
702 SW Eighth Street  
Bentonville, AR 72716-8095  
(501) 277-2689

D. Michael Reilly  
WSBA No. 14674  
LANE, POWELL, SPEARS & LUBERSKY  
1420 Fifth Avenue, Suite 4100  
Seattle, Washington 98101-2338

of counsel  
Attorneys for Defendant

BY: *Linda Whittaker by Michelle Gonzalez*  
(Signed per oral authorization)

ORDER

IT IS SO ORDERED, *except that exhibits admitted into evidence are not subject to Paragraph 8.*  
DATED this 16 day of Aug, 1999. *RJB*

*Robert J. Bryan*  
THE HONORABLE ROBERT J. BRYAN  
UNITED STATES DISTRICT JUDGE

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Seattle District Office  
Federal Office Building  
909 First Avenue, Suite 400  
Seattle, Washington 98104-1061  
Telephone (206) 220-8883  
Fax (206) 220-6911  
TDD (206) 220-6882

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

EXHIBIT A

I, the undersigned, have read the Stipulation for Protective Order and Order in EEOC v. Wal-Mart Stores, Inc., Civil No. C98-5535RJB, and agree to be bound by its terms.

DATED: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Seattle District Office**  
Federal Office Building  
909 First Avenue, Suite 400  
Seattle, Washington 98104-1061  
Telephone (206) 220-6883  
Fax (206) 220-6911  
TDD (206) 220-6882

dk

United States District Court  
for the  
Western District of Washington  
August 16, 1999

\* \* MAILING CERTIFICATE OF CLERK \* \*

Re: 3:98-cv-05535

True and correct copies of the attached were mailed by the clerk to the following:

A Luis Lucero Jr, Esq.  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
SEATTLE DISTRICT OFFICE  
STE 400  
909 FIRST AVE  
SEATTLE, WA 98104-1061

Claire Cordon, Esq.  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
SEATTLE DISTRICT OFFICE  
STE 400  
909 FIRST AVE  
SEATTLE, WA 98104-1061  
206-220-6893

Kathryn B Olson, Esq.  
EEOC  
STE 400  
909 1ST AVE  
SEATTLE, WA 98104  
206-220-6914

D. Michael Reilly, Esq.  
LANE POWELL SPEARS LUBERSKY  
STE 4100  
1420 FIFTH AVE  
SEATTLE, WA 98101-2338  
FAX 223-7107

Linda Whittaker, Esq.  
702 SW 8TH ST  
BENTONVILLE, AR 72716-8095  
FAX 1-501-277-5991

Judge Bryan