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**FILED**  
  
2001 APR 30 P 12:20  
  
CLERK, US DIST. COURT  
EASTERN DIST. OF CALIF  
FRESNO  
BY \_\_\_\_\_ *UX*

Attorneys for: Defendants NIBCO, INC. and R. M. WADE & CO.

**LOGGED**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

APR 27 2001

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BY ~~11~~ **MARTHA RIVERA, MAO HER,** )  
**ALICIA ALVAREZ, EVA ARRIOLA,** )  
**PEUANG BOUNNHONG, ROSA CEJA,** )  
**CHHOM CHAN, BEE LEE, PAULA** )  
**MARTINEZ, MARIA MEDINA, MAI** )  
**MEEMOUA, MARGARITA** )  
**MENDOZA, BAO NHIA MOUA,** )  
**ISIDRA MURILLO, MARIA** )  
**NAVARRO, VATH RATTANATAY,** )  
**OFELIA RIVERA, SARA RIVERA,** )  
**MARIA RODRIGUEZ, MARIA RUIZ,** )  
**MARIA VALDIVIA, SY VANG, YOUA** )  
**XIONG, SEE YANG, and XHUE YANG,** )  
on behalf of themselves and all those )  
similarly situated, )  
  
Plaintiffs, )  
  
v. )  
  
NIBCO, INC., an Indiana corporation, and )  
R. M. WADE & CO., an Oregon )  
corporation, )  
  
Defendants. )

Case No. CIV F-99 6443 AWI SMS

**STIPULATION TO PROTECTIVE  
ORDER REGARDING PRODUCTION  
OF THIRD PARTY INFORMATION  
AND COURT ORDER RE SAME**

Plaintiffs MARTHA RIVERA, MAO HER, ALICIA ALVAREZ, EVA  
ARRIOLA, PEUANG BOUNNHONG, ROSA CEJA, CHHOM CHAN, BEE LEE, PAULA  
MARTINEZ, MARIA MEDINA, MAI MEEMOUA, MARGARITA MENDOZA, BAO NHIA  
MOUA, ISIDRA MURILLO, MARIA NAVARRO, VATH RATTANATAY, OFELIA

*27*

1 RIVERA, SARA RIVERA, MARIA RODRIGUEZ, MARIA RUIZ, MARIA VALDIVIA, SY  
2 VANG, YOUA XIONG, SEE YANG, and XHUE YANG, ("Plaintiffs") and Defendants NIBCO,  
3 INC. ("NIBCO") and R. M. WADE & CO. (collectively "Defendants"), by and through their  
4 respective attorneys of record, agree as follows:

5 WHEREAS, Plaintiffs commenced this action against Defendants;

6 WHEREAS, Plaintiffs seek the production of personnel documents and other  
7 information from Defendants that includes information about individuals who: (1) worked as  
8 NIBCO's employees during NIBCO's ownership of a Fresno, California irrigation facility that is  
9 the subject of this action, and (2) are not involved as parties in this action ("third parties").

10 WHEREAS, Defendants are cognizant of the fact that producing such documents  
11 to Plaintiffs will expose them to information that Defendants consider to involve the rights of  
12 privacy of these third parties;

13 WHEREAS, the parties wish to protect the privacy rights of these third parties  
14 from unauthorized and/or unnecessary disclosure;

15 WHEREAS, the parties also wish to prevent the possibility of any misuse or  
16 unnecessary disclosure of the third party information Plaintiffs seek, regardless of the existence  
17 of any trade secret, privacy right and/or confidentiality;

18 IT IS THEREFORE STIPULATED, pending further order of the Court, that the  
19 following procedures designed to ensure the protection of this third party information shall  
20 govern all forthcoming pre-trial discovery proceedings:

21 1. Non-plaintiff employee names, Social Security numbers, addresses and  
22 telephone numbers appearing in any documents produced by Defendants, as well as the  
23 documents containing this information, are hereby designated as confidential third party  
24 information that is privy to rights of privacy and subject to this stipulated Protective Order.

25 2. This confidential third party information may be shown, or its contents  
26 disclosed only to the following persons:

27 (a) Counsel of record in this action and counsel's agents and  
28 employees;

1 (b) Any expert used as a consultant or intended to be called as a witness  
2 who is retained by counsel of record to assist in the preparation and/or trial of this case; and

3 (c) The parties to this action and their agents and employees.

4 Confidential third party information designated as subject to this Protective Order  
5 shall not be disclosed or shown to any other person or entity unless or until the side wishing to  
6 make such disclosure informs the other side and gives them a reasonable time to object, at least  
7 30 calendar days. In the event of objection, the parties' respective counsel of record will make a  
8 good faith effort to resolve the dispute informally before filing any motion with the above-  
9 entitled Court relating to said dispute. If an objection is made in writing, the information shall  
10 not be disclosed until the Court has issued a decision determining that disclosure of the document  
11 is appropriate.

12 3. Confidential third party information designated as subject to this stipulated  
13 Protective Order or any information derived therefrom shall be used solely for the purpose of  
14 assisting counsel of record in connection with this litigation and not for any competitive or  
15 business purpose or any other purpose whatsoever or for any other litigation matter.

16 4. The parties' respective counsel of record each agree to make all reasonable  
17 efforts to ensure compliance with this Protective Order. Any persons referred to in paragraphs  
18 2(b) and (c) of this stipulated Protective Order who receives information designated as  
19 confidential third party information pursuant to this stipulated Protective Order shall first read a  
20 copy of this stipulated Protective Order and agree in writing to abide by the terms thereof.

21 5. The parties enter into this stipulated Protective Order without prejudice to  
22 any parties' right to object to the disclosure of any information on any ground that it/he/she may  
23 deem appropriate, and any party or non-party may, upon motion, seek relief from, or  
24 modification of, this Protective Order based on a showing of good cause.

25 6. The designation of any information as "confidential third party  
26 information" pursuant to this Protective Order is intended solely to facilitate the preparation of  
27 this case for trial, and treatment by the other party in conformity with such designation shall not  
28 be construed in any way as an admission or agreement by such opposing counsel or party that the

1 designated information contains any trade secret or confidential information in contemplation of  
2 law. No party shall be obligated to challenge the propriety of any designation by the opposing  
3 party, and a failure to do so shall not preclude a subsequent attack on the propriety of any  
4 “confidential third party information” designation.

5           7. If confidential third party information is improperly disclosed to any person  
6 other than in the manner authorized by this Protective Order, the party responsible for the  
7 disclosure must immediately inform the other party of all pertinent facts relating to such  
8 disclosure, including the name and address of each person to whom disclosure was made, and  
9 shall make reasonable efforts to prevent further disclosure by said authorized person(s).

10           8. The parties agree that, prior to commencement of trial, they will enter into  
11 mutually agreeable stipulations and protective orders with respect to any confidential third party  
12 information to be disclosed during trial. Any unresolved disputes shall be resolved in accordance  
13 with the Federal Rules of Civil Procedure. Any party intending to utilize any confidential third  
14 party information designated as confidential in a law and motion matter or at trial should lodge  
15 the document under seal so as to preserve its confidentiality pending the Court’s determination  
16 regarding whether a privilege exists that precludes the use of the document or other information  
17 as evidence or determining what safeguards should be utilized if the confidential information is  
18 to be considered as evidence.

19           9. Upon final determination of this action, unless otherwise agreed to in  
20 writing by opposing counsel, each party shall either:

21                   (a) Assemble and return all material designated as protected third party  
22 information under this Protective Order, including all copies thereof, to the producing party and  
23 certify in writing that all such material has been returned; or

24                   (b) Certify in writing that all such material has been destroyed.

25           10. If any person breaches this stipulated Protective Order, any person may  
26 notice a hearing to the District Court requesting appropriate equitable relief and monetary  
27 damages.

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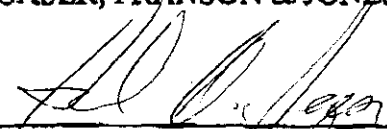
1 11. In the event suit is brought to enforce or interpret any part of this stipulated  
 2 Protective Order, the prevailing party shall be entitled to recover reasonable attorneys' fees as an  
 3 element of its/his/her costs of suit. The "prevailing party" shall be the party who is entitled to  
 4 recover its/his/her costs of suit, whether or not the suit proceeds to final judgment.

5 12. Any party may request a hearing in the District Court challenging any  
 6 party's classification of information as confidential.

7 13. All parties to this Protective Order have participated in drafting the Order.


8  
 9 DATED: April 27, 2001.

SAGASER, FRANSON & JONES

10  
 11 By   
 12 Howard A. Sagaser, Attorneys for Defendants  
 13 NIBCO, INC. and R. M. WADE & CO.

14 DATED: April 26, 2001.

15 THE EMPLOYMENT LAW CENTER,  
 16 A Project of the LEGAL AID SOCIETY  
 17 OF SAN FRANCISCO

18 By   
 19 Christopher Ho, Attorneys for Plaintiffs  
 20 MARTHA RIVERA, MAO HER, ALICIA  
 21 ALVAREZ, EVA ARRIOLA, PEUANG  
 22 BOUNNHONG, ROSA CEJA, CHHOM  
 23 CHAN, BEE LEE, PAULA MARTINEZ,  
 24 MARIA MEDINA, MAI MEEMOUA,  
 25 MARGARITA MENDOZA, BAO NHIA  
 26 MOUA, ISIDRA MURILLO, MARIA  
 27 NAVARRO, VATH RATTANATAY,  
 28 OFELIA RIVERA, SARA RIVERA, MARIA  
 RODRIGUEZ, MARIA RUIZ, MARIA  
 VALDIVIA, SY VANG, YOUA XIONG,  
 SEE YANG, and XHUE YANG

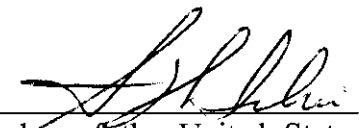
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**ORDER**

GOOD CAUSE APPEARING, and based upon the stipulation of counsel, it is hereby ordered that the Court hereby approves the above Stipulation to Protective Order.

DATED: April 30, 2001,

  
\_\_\_\_\_  
Judge of the United States District Court,  
Eastern District of California

United States District Court  
for the  
Eastern District of California  
May 1, 2001

\* \* CERTIFICATE OF SERVICE \* \*

1:99-cv-06443

Rivera

v.

Nibco Inc

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I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Eastern District of California.

That on May 1, 2001, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office, or, pursuant to prior authorization by counsel, via facsimile.

AWI SMS

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Jack L. Wagner, Clerk

BY:   
Deputy Clerk