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FILED
Superior Court of California
County of Los Angeles
05/23/2019

Sherri R. Carter, Executive Officer / Clerk of Court
By: Kevin Lappin Deputy

6 Attorneys for Defendants, PLANNED PARENTHOOD
7 LOS ANGELES and JUSTIN DIEDRICH, M.D.

8 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES**

11 LANUOLA FUIAVA and JASON BAKER,)
12 Plaintiffs,)
13 v.)
14 PLANNED PARENTHOOD LOS)
15 ANGELES, JUSTIN DIEDRICH, M.D.;)
16 and DOES 1 to 50, inclusive,)
17 Defendants.)
18

CASE NO.: 19STCV03079
Assigned for all purposes to:
Hon. Laura Seigle - Dept. 4B (SS)

**CONFIDENTIALITY AGREEMENT
AND PROTECTIVE ORDER**
Complaint filed: January 29, 2019
FSC Date: July 14, 2020
Trial Date: July 28, 2020

19 1. During the course of litigation in the above-captioned matter (hereinafter
20 referred to as the "FUIAVA Litigation"), Defendants, PLANNED PARENTHOOD LOS
21 ANGELES and JUSTIN DIEDRICH, M.D. (hereinafter referred to as "Defendants") may
22 produce documents that Defendants consider confidential, politically and socially sensitive,
23 private, competitive and proprietary medical and business information and documents
24 (such documents shall be referred to as "Confidential Information" in this Stipulation).
25 Confidential Information obtained by the parties and their counsel shall be kept
26 confidential in the manner prescribed by this stipulation.

27 2. Use of Confidential Information is limited solely to the preparation and trial
28 of the FUIAVA Litigation, or any related appellate proceeding. The parties and their counsel

1 in the FUIAVA Litigation may not disclose Confidential Information, either directly or
2 indirectly, to any person or entity, except that counsel for the parties may, subject to the
3 restrictions set forth elsewhere in this stipulation, reveal Confidential Information to: (a)
4 their own office staff; (b) experts and specially retained litigation support personnel
5 assisting counsel for the parties in the preparation and trial of the FUIAVA Litigation; (c)
6 court reporters recording or transcribing deposition testimony in the FUIAVA Litigation;
7 (d) witnesses deposed or who testify at trial in the FUIAVA Litigation; and (e) the Court.

8 3. Within thirty (30) days of the final termination of the FUIAVA Litigation,
9 whether by trial, appeal, settlement, or otherwise, counsel, the parties, except for counsel,
10 shall return to counsel for Defendants or destroy in a commercially reasonable manner, all
11 Confidential Information.

12 4. The terms of this Stipulation do not prejudice the right of any party to: (a)
13 apply to the Court for a further protective order relating to any Confidential Information
14 or to any discovery in the FUIAVA Litigation; (b) object to the production of documents it
15 considers not subject to discovery; (c) apply to the Court for an order compelling
16 production of documents; and (d) apply to the Court for modification of this stipulation.

17 5. Counsel for the Defendants shall prior to the questioning of a witness who is
18 not an employee of expert for Defendants at a deposition about any information that might
19 reveal any Confidential Information:

20 a. Explain to the witness at the start of a deposition that the information
21 requested may be information that is protected from disclosure by this
22 Stipulation; the parties may designate which portions of the deposition
23 shall be separately bound as CONFIDENTIAL.

24 b. Exclude all persons from the deposition, except for persons authorized
25 by this Stipulation to have access to the Confidential Information; and,

26 c. Obtain the witness' consent on the record to be bound by this
27 Stipulation.

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1 6. Prior to filing any document with the court that might contain Confidential
2 Information, Plaintiffs shall notify Defendants and allow Defendants the opportunity to file
3 a Request to have any confidential information sealed by the court pursuant to California
4 Rules of Court 2.550-2.551.

5 7. Defendants will not designate a document as Confidential without first having
6 made a good faith determination that a factual and legal basis exists to assert a specific
7 identified privilege applicable to that particular document and that the document so
8 identified does not include information that has been received from or disclosed within the
9 public domain, such as advertising material, customer complaints, material submitted to
10 the government, or that have not otherwise received confidential treatment.

11 8. Plaintiffs' counsel may notify defense counsel in writing which specific
12 document he believes should not be protected. Defense counsel then has 15 days after the
13 initial notification by Plaintiffs' counsel to justify why the challenged documents should
14 remain protected. If defense counsel is not in agreement, once the written justification is
15 presented to Plaintiffs' counsel, then defense counsel has 30 days in which to file a motion
16 with the court to establish why the challenged documents should remain protected.

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1 9. Any document produced pursuant to this agreement is a business record
2 pursuant to *Evidence Code* §1270 et. seq.

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4 DATED: April ____, 2019

FIELD SLAW

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6 BY: *Lauren L. McNerney*
7 Gary D. Fields, Esq.
8 Lauren L. McNerney, Esq.
9 Anna Sweeney, Esq,
10 Attorneys for Defendants, PLANNED
11 PARENTHOOD LOS ANGELES and JUSTIN
12 DIEDRICH, M.D.

11 DATED: April ____, 2019

LAW OFFICES OF TOBIE WAXMAN

12
13 BY: _____
14 Tobie Waxman, Esq.
15 Attorneys for Plaintiffs, LANUOLA FUIAVA
16 and JASON BAKER

17 **IT IS SO ORDERED.**

18 DATED: 05/06/2019, 2019



Laura Seigle
JUDGE OF THE SUPERIOR COURT

Laura A. Seigle / Judge

1 9. Any document produced pursuant to this agreement is a business record
2 pursuant to *Evidence Code* §1270 et. seq.

3
4 DATED: April 10, 2019

FIELD SLAW

5
6 BY: Lauren L. Mc Nerney
7 Gary D. Fields, Esq.
8 Lauren L. Mc Nerney, Esq.
9 Anna Sweeney, Esq,
10 Attorneys for Defendants, PLANNED
PARENTHOOD LOS ANGELES and JUSTIN
DIEDRICH, M.D.

11 DATED: April 10, 2019

LAW OFFICES OF TOBIE WAXMAN

12
13 BY: Tobie Waxman
14 Tobie Waxman, Esq.
15 Attorneys for Plaintiffs, LANUOLA FUIAVA
and JASON BAKER

16 **IT IS SO ORDERED.**

17
18 DATED: _____, 2019

JUDGE OF THE SUPERIOR COURT

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