

CC: TO JUDGE ZG

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HONORABLE JOHN C. COUGHENOUR

FILED  
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MAY 02 2001 ZG  
AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

EQUAL EMPLOYMENT OPPORTUNITY ) Case No.: C00-1596C  
COMMISSION, )  
Plaintiff, ) STIPULATION AND PROTECTIVE  
ORDER FOR CONFIDENTIAL  
vs. ) DOCUMENTS  
AMERICAN SEAFOODS COMPANY, )  
Defendant )  
CONNIE L. MARTIN )  
Plaintiff In Intervention )

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MAY 03 2001  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

Plaintiff Equal Employment Opportunity Commission ("EEOC"), plaintiff-in-intervention, Connie Martin, and defendant American Seafoods Company ("ASC"), through their respective counsel, hereby agree and stipulate as set forth below. The EEOC, Ms. Martin and ASC shall be collectively referred to herein as "the parties".

1. All documents produced in this matter shall be used for purposes of this litigation only.

AGREED PROTECTIVE ORDER - 1

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2. This stipulation concerns documents produced by the parties in connection with this action and that the parties agree contain confidential information. The term "document" means any and all notes, correspondence, notebooks, calendars, appointment books, business records, books, policies, written instructions, and any other written or printed material or copies, notes, extracts, or summaries created therefrom.

The confidentiality provisions stipulated to herein shall govern the following agreed "confidential" materials:

- a. All medical, psychological and therapy records pertaining to Connie Martin;
- b. All documents that refer to and concern Ms. Martin's personal financial information;
- c. Other documents that may be produced from time to time by the parties and as to which the parties agree to designation as "Confidential." In the absence of an agreement as to the designation of documents as confidential, any party to this action may bring a motion to the Court for resolution, pursuant to paragraph 4 below.

3. The parties acknowledge the privacy and business considerations involved in disclosure of Confidential materials. At the same time, the parties recognize the need for mutual access to evidence in the parties' possession, custody or control.

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

AGREED PROTECTIVE ORDER

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1 "Confidential" materials shall not be used for any purpose except in connection  
2 with this litigation and shall not be delivered, exhibited, published or otherwise  
3 disclosed to any person except as expressly permitted herein.

4 "Confidential" materials may be disclosed to:

- 5 a. the parties and their respective attorneys;  
6 b. the employees and agents of counsel assisting said counsel in the  
7 preparation and trial of this matter; and  
8 c. experts, consultants and witnesses with whom counsel may consult in  
9 preparation of this litigation, provided that said experts, consultants or  
10 witnesses are informed of and agree to be bound by the terms of this  
11 Order.

12 In the event a confidential document is used as a deposition exhibit, a  
13 party may request at the conclusion of the deposition that the parties confer and  
14 attempt to agree on an appropriate manner to safeguard the confidentiality of the  
15 document. If a document is used as an exhibit to a pleading, a party may likewise  
16 request that the parties confer and attempt to agree on an appropriate manner to  
17 safeguard the confidentiality of the document. In the absence of an agreement  
18 regarding safeguards of confidentiality, any party to this action may bring a  
19 motion to the Court for resolution, pursuant to paragraph 5, below.

20 4. The foregoing obligations of confidentiality shall apply as to any part of the  
21 documents or information that (a) any party previously produced without a

22 AGREED PROTECTIVE ORDER - 3

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1 confidentiality designation; (b) was available to the public at the time of production; or  
2 (c) was subsequently disclosed by any party to others who are not under obligations of  
3 confidentiality to the parties.

4 5. If any party to this action disputes the applicability of this Order, then the parties  
5 shall attempt to resolve the dispute on an informal basis. If the dispute is not informally  
6 resolved, the dispute may be submitted by motion of any party to the Court for a decision  
7 on the claim of confidentiality.

8 6. At the conclusion of this litigation, a party may request the return of documents  
9 that have been produced and designated as confidential including all copies thereof. In  
10 the event of such a request, a party has the option of making the documents available for  
11 review by the party that produced them so that the latter may designate those to be  
12 returned. In lieu of returning all such confidential information or documents, counsel  
13 may agree to dispose of the confidential information or documents by some method that  
14 will ensure confidentiality of the documents.

15 7. This Stipulation may be amended without leave of the Court by an agreement of  
16 counsel for all the parties in the form of a Stipulation to be filed with the Court.

17 8. The parties request the Court to enter the following Order consistent with this  
18 Stipulation.

19 ///

20 ///

21 ///

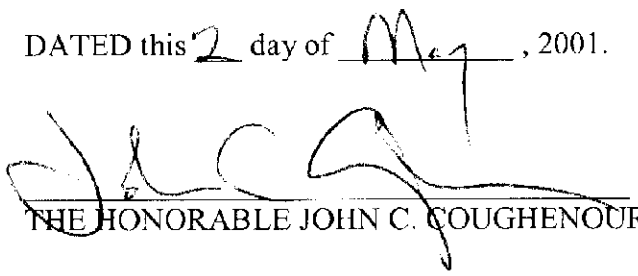
22 AGREED PROTECTIVE ORDER

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1 **IT IS SO ORDERED.**

2 DATED this 2 day of May, 2001.

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4   
5 THE HONORABLE JOHN C. COUGHENOUR


6 Respectfully submitted,

7 DATED this 1 day of May, 2001.

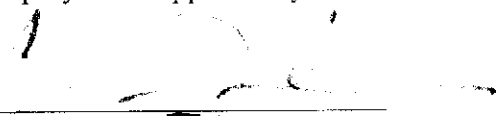
8  
9 By:   
10 Reba Weiss  
11 Law Office of Reba Weiss

12 Scott McKay  
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14 Attorneys for Plaintiff in Intervention Connie Martin

15 Mundt MacGregor LLP

16 By:   
17 Jay Zulauf  
18 John Chun  
19 Attorneys for Defendant American Seafoods Co.

20 Equal Employment Opportunity Commission

21 By:   
22 Carmen Flores

23 AGREED PROTECTIVE ORDER

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25  
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