

THE HONORABLE J. KELLEY ARNOLD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RAY WHEELER,

Plaintiff,

v.

INTERNATIONAL BUSINESS MACHINES
CORPORATION, a New York corporation,

Defendant.

NO. C04-5879 JKA

AGREED PROTECTIVE ORDER

[Clerk's Action Required]

Pursuant to stipulation of the parties, this Agreed Protective Order is entered in the above-captioned case. This order governs certain confidential documents (*e.g.*, personnel file materials pertaining to persons other than plaintiff, documents containing financial and/or proprietary information not generally available to the public) produced to plaintiff by defendant International Business Machines Corp. ("IBM") in discovery, and confidential documents (*e.g.*, personal medical, financial and/or tax documents) produced to IBM by plaintiff.

IT IS HEREBY ORDERED that:

1. Information and/or documents covered by this protective order shall not be used by the receiving party for any purpose except in connection with litigation of the above-captioned action, and shall not be delivered, exhibited, published or disclosed to any person except the receiving party and that party's counsel; employees and agents of the receiving party's

1 counsel assisting said counsel in the preparation and trial of this matter; legitimate, bona fide
2 prospective witnesses in this action; and/or experts with whom the receiving party's counsel
3 consults in preparation of this litigation. A legitimate, bona fide prospective witness may only
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5 be shown materials that are relevant to this action and that relate to or reasonably may be
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7 expected to relate to the witness's testimony. It is expressly understood that information acquired
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9 from documents subject to this order may not be used by the receiving party or the receiving
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11 party's counsel in any context or for any purpose other than prosecution or defense of this
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13 lawsuit.
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17 2. Before the receiving party's counsel shall deliver, exhibit, publish, or disclose any
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19 information and/or document covered by this protective order to any legitimate, bona fide
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21 prospective witness and/or expert described in the foregoing paragraph 1, the receiving party's
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23 counsel shall request such person to read a copy of this protective order and to sign a statement,
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25 in the form of Attachment A hereto, indicating that the person has read and shall abide by this
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27 Order. All such signed statements shall be retained by the receiving party's counsel and provided
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29 to the Court for examination upon good cause shown.
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31 3. This protective order does not limit or affect the receiving party's right to file
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33 documents with the court or to disclose information at trial or on motion or to use documents or
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35 information in deposition, as reasonably necessary.
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37 4. The terms of this protective order may be modified by stipulation of the parties or
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39 on order of the Court at any later time.
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41 DATED: July 28, 2005.
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44 /s/ J. Kelley Arnold
45 J. KELLEY ARNOLD
46 UNITED STATES MAGISTRATE JUDGE
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1 Presented by:
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3 **PERKINS COIE LLP**
4
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6
7 By s/Nancy Williams
8 Nancy Williams, WSBA #11558
9 Attorneys for Defendant IBM
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11 Terms of Order Agreed; Notice of
12 Presentation Waived:
13

14 **SMITH ALLING LANE**
15
16

17
18 By s/Brian L. Dolman
19 Brian L. Dolman, WSBA #32365
20 Attorney for Plaintiff Ray Wheeler
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ATTACHMENT A

I, _____, have been advised by counsel of record for either plaintiff or defendants in Wheeler v. IBM, Case No. C04-5879 JKA, United States District Court for the Western District of Washington at Tacoma, of the protective order governing delivery, exhibition, publication, or disclosure to me of confidential documents produced by the opposing party in this action, together with the information contained therein. I have read a copy of said protective order and agree to abide by its terms, including its limitation on any further delivery, exhibition, publication, or disclosure of documents and information subject to the order.

Date: _____

CERTIFICATE OF SERVICE

On July 28, 2005, I caused to be served upon counsel of record, at the address stated below, via the method of service indicated, a true and correct copy of the foregoing document.

Brian L. Dolman
Smith Alling Lane
1102 Broadway Plaza, #403
Tacoma, WA 98402

— Via hand delivery
— Via U.S. Mail, 1st Class,
Postage Prepaid
— Via Overnight Delivery
— Via Facsimile
X Via E-filing

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

SIGNED at Seattle, Washington, on July 28, 2005.

s/ Nancy Williams

State Bar Number: 11558

Perkins Coie LLP

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Seattle, WA 98101-3099

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Attorneys for Defendant International Business
Machines Corporation

AGREED PROTECTIVE ORDER (NO. C04-5879 JKA) - 5

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