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CITY OF PASADENA

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ORIGINAL FILED
Superior Court of California
County of Los Angeles

SEP 25 2015

Sherri R. Carter, Executive Officer/Clerk
By: B. Burns Tucker, Deputy

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

11 HOWARD JARVIS TAXPAYERS ASSN.;
12 LINNEA WARREN; THOMAS WOLFE;
13 EDWARD HENRY; AND ALL OTHERS
SIMILARLY STITUTED,

14 Plaintiffs,

15 v.

16 CITY OF PASADENA,

17 Defendant.

CASE NO. BC550394
Unlimited Jurisdiction

(Case assigned to Hon. Elihu M. Berle)

CLASS ACTION

1) STIPULATION AND PROTECTIVE
ORDER REGARDING PASADENA
WATER AND POWER CUSTOMER
INFORMATION

2) ~~PROPOSED~~ ORDER THEREON

Complaint Filed: July 21, 2014

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1 **STIPULATION AND PROTECTIVE ORDER**

2 This stipulation is entered into among Plaintiffs Howard Jarvis Taxpayers Association,
3 Linnea Warren, Thomas Wolfe, and Edward Henry (collectively, "Plaintiffs") and Defendant City of
4 Pasadena ("City"), by and through their attorneys.

5 WHEREAS, at the status conference held August 20, 2015 in the above-captioned matter, the
6 Court issued an order regarding notice to the class in this case;

7 WHEREAS, the Order included provisions regarding mailed notice; and

8 WHEREAS, the parties wish to facilitate the disclosure of information from Pasadena Water
9 and Power ("PWP") to create the mailing list for mailed notice as specified in the Order and any
10 additional notices which may be ordered by the Court or agreed to by the parties, which information
11 may be subject to confidentiality limitations on disclosure due to federal laws, state laws, and
12 privacy rights.

13
14 NOW, THEREFORE, for good cause shown, the parties, by and through their attorneys of
15 record, hereby stipulate and respectfully request that the Court order as follows:

16 1. In this Stipulation and Protective Order, the words set forth below shall have the
17 following meanings:

- 18 a. "Proceeding" means the above-entitled proceeding, Los Angeles Superior Court Case
19 No. BC550394.
- 20 b. "Court" means the Hon. Elihu M. Berle or any other judge to which this Proceeding
21 may be assigned, including Court staff participating in such proceedings.
- 22 c. "Order" means the order issued by the Court at the status conference for the
23 Proceeding held August 20, 2015, which order is memorialized in the Court's Order
24 dated September 8, 2015.
- 25 d. "PWP" means Pasadena Water and Power.
- 26 e. "Confidential Data" means the database of names and addresses provided by PWP
27 pursuant to the Order and derived from its list of customers to whom it delivers
28 invoices for water service outside the City's jurisdictional boundaries.

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1 f. "Claims Administrator" means Gilardi & Co., LLC, including its employees and
2 agents.

3 g. "Plaintiff's Counsel" means all counsel of record for the class and named plaintiffs
4 Howard Jarvis Taxpayers Association, Linnea Warren, Thomas Wolfe, and Edward
5 Henry, including their employees and agents.

6 2. PWP in good faith believes the Confidential Data contains non-public information that is
7 entitled to confidential treatment under applicable law and accordingly has designated such
8 information as "Confidential."

9 3. Access to and/or disclosure of the Confidential Data shall be permitted only to those
10 employees or contractors of the Claims Administrator who are necessary to accomplish the mailed
11 notice services as described in the Order and to provide any other such notices as may otherwise be
12 ordered by the Court or agreed by the parties. The Claims Administrator shall treat the Confidential
13 Data, including any information created with or otherwise derived directly or indirectly from such
14 Confidential Data, as confidential and protect it from unauthorized access, use or disclosure to any
15 other person or entity.

16 4. The Claims Administrator's use of the Confidential Data is limited solely to create the
17 mailing list to provide the mailed notice to the class as specified in the Order and to provide any
18 other such notices as may otherwise be ordered by the Court or agreed by the parties.

19 5. Within thirty days of the final resolution of this case by a court of competent jurisdiction,
20 the Claims Administrator shall destroy all copies of the mailing list(s) created using the Confidential
21 Data, and other documents or materials derived directly or indirectly from such Confidential Data,
22 and shall certify in writing such destruction to PWP.

23 6. At no time shall the Claims Administrator provide the Confidential Data or any mailing
24 list(s) or information created with or otherwise derived directly or indirectly from such Confidential
25 Data to Plaintiff's Counsel.

26 7. After this Stipulation and Protective Order has been signed by counsel for all Parties, it
27 shall be presented to the Court for entry. Counsel for the Parties agrees to be bound by the terms set
28 forth herein with regard to the Confidential Data that may have been produced before the Court signs

1 this Stipulation and Protective Order.

2 8. The Parties and all signatories to the Certification attached hereto as Exhibit A agree to
3 be bound by this Stipulation and Protective Order pending its approval and entry by the Court. In the
4 event that the Court modifies this Stipulation and Protective Order, or in the event that the Court
5 enters a different Protective Order, the Parties agree to be bound by this Stipulation and Protective
6 Order until such time as the Court may enter such a different Protective Order. This Stipulation, and
7 Protective Order may be executed in counterparts.

8 SO STIPULATED.

9
10 DATED: September 20, 2015

**COLANTUONO, HIGHSMITH &
WHATLEY, PC**



HOLLY O. WHATLEY
AMY C. SPARROW
JON R. di CRISTINA
Attorneys for Defendant
CITY OF PASADENA

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17 DATED: September 17, 2015

**JONATHAN M. COUPAL
TIMOTHY A. BITTLE
J. RYAN COGDILL**



Attorneys for Plaintiffs
HOWARD JARVIS TAXPAYERS ASSN.,
LINNEA WARREN, THOMAS WOLFE, and
EDWARD HENRY

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~~PROPOSED~~ ORDER

GOOD CAUSE APPEARING, the Court hereby approves the above Stipulation and Proposed Order.

IT IS SO ORDERED.

DATED: 9/25/15

By: ELIHU M. BERLE
Hon. Elihu M. Berle
Judge of the Superior Court

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Exhibit A

Certification Regarding Confidential Address Data


I hereby acknowledge that I, Daniel Burke

am about to receive Confidential Data supplied in connection with *Howard Jarvis Taxpayers Assn., et al. v. City of Pasadena* (Los Angeles Superior Court Case No. BC550394) (the "Proceeding"). I certify that I understand the Confidential Data is provided to me subject to the terms and restrictions of the Stipulation and Protective Order regarding Pasadena Water and Power Customer Information filed in this Proceeding. I have been given a copy of the Stipulation and Protective Order, I have read it, and I agree to be bound by its terms.

I understand that Confidential Data, as defined in the Stipulation and Protective Order, including any notes or other records that may be made regarding any such materials, shall not be disclosed to anyone except as expressly permitted by the Stipulation and Protective Order. I will not copy or use, except solely for the purposes of this Proceeding, any Confidential Data obtained pursuant to this Protective Order, except as provided therein or otherwise ordered by the Court in the Proceeding.

I further understand that I am to retain all copies of all Confidential Data provided to me in the Proceeding in a secure manner, and that all copies of such materials are to remain in my personal custody until the deadlines specified in this Protective Order, whereupon the copies of such materials will be returned to counsel of record in this Proceeding for the City of Pasadena.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed April 23, 2018, in San Rafael, California.

Signature:	<u></u>
Title & Employer:	<u>Executive Vice President, KCC, LLC</u>
Street Address:	<u>3301 Kerner Blvd.</u>
City, State, Zip:	<u>San Rafael, CA 94901</u>
Telephone:	<u>(415) 458-3069</u>

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