

QUAN-EN YANG, et al.  
On His Own Behalf and on Behalf  
of All Others Similarly Situated,

Plaintiffs,

vs.

G & C GULF, INC. d/b/a  
G&G TOWING

Defendant.

\* IN THE  
\* CIRCUIT COURT  
\* FOR  
\* MONTGOMERY COUNTY, MD.  
\* Case No. 403885-V  
\* Hon. Ronald B. Rubin  
\* Specially Assigned  
\* TRACK VI

ENTERED

AUG 10 2015

Clerk of the Circuit Court  
Montgomery County, Md.

\* \* \* \* \*

**STIPULATED ORDER REGARDING  
CONFIDENTIAL MATERIALS**

WHEREAS, Plaintiffs and Defendants in the above-captioned case (collectively, “the parties”) have stipulated that certain discovery material be treated as confidential;

Accordingly, it is this 5<sup>th</sup> day of August, 2015, by the Circuit Court for Montgomery County, Maryland, ORDERED:

1. **Designation of Materials as Confidential.** All documents produced by the parties in the course of discovery, initial disclosures, all answers to interrogatories, all answers to requests for admission, all responses to requests for production of documents, all affidavits, briefs and pleadings, and all deposition and trial testimony and deposition and trial exhibits, shall be subject to this Order concerning confidential information, as set forth below:

(a) The designation of confidential information shall be made by placing or affixing on the document, in a manner which will not interfere with its legibility, the word “CONFIDENTIAL.” One who provides material may designate it as confidential only when such person in good faith believes it contains sensitive personal information, trade secrets or other confidential research, development, or commercial information. Except for documents

produced for inspection at the party's facilities, the designation of confidential information shall be made prior to, or contemporaneously with, the production or disclosure of that information.

In the event that documents are produced for inspection at the party's facilities, such documents may be produced for inspection before being marked confidential. Once specific documents have been designated for copying, any documents containing confidential information will then be marked confidential after copying but before delivery to the party who inspected and designated the documents. There will be no waiver of confidentiality by the inspection of confidential documents before they are copied and marked confidential pursuant to this procedure.

(b) When confidential information is incorporated into a transcript of a deposition, hearing, trial or other proceeding, including exhibits, the party asserting that the information or disclosure is confidential shall, with the cooperation of all other parties, make arrangements with the reporter during the course of such deposition or other proceeding to label such transcript, portions thereof or exhibits as "CONFIDENTIAL" and separately bind such category of information. In the alternative, a party may designate, in writing, such transcripts, portions thereof or exhibits as "CONFIDENTIAL" within thirty (30) days after receipt by the designating party of the original or a copy thereof. If designation is made during the 30-day period after receipt of the transcript, all parties in possession of the transcript at the time of receiving the designation or thereafter shall place the label "CONFIDENTIAL" on the front cover of the transcript, on each or all of the exhibits so designated, and on each copy thereof, upon notice that the confidential designation has been made.

(c) With respect to confidential information at trial, any party may move the Court for an order that confidential material be received in camera or under other conditions to prevent unnecessary disclosures. The Court will then determine whether the proffered evidence

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should continue to be treated as confidential information and, if so, what protection, if any, may be afforded to such information at the trial.

(d) Information or documents designated as confidential under this Order shall not be used or disclosed by the parties or counsel for the parties or any persons identified in subparagraph (e) below for any purposes whatsoever other than preparing for and conducting the litigation.

(e) The parties and counsel for the parties shall not disclose or permit the disclosure of any documents or information designated as confidential under this Order to any other person or entity, except that disclosures may be made in the following circumstances:

(i) Disclosure may be made to counsel and employees or contractors of counsel for the parties who have direct functional responsibility for the preparation and trial of the lawsuit. Any such employee to whom counsel for the parties makes a disclosure shall be shown a copy of the provisions of this Order requiring that the documents and information be held in confidence.

(ii) Disclosure may be made only to employees of a party required in good faith to provide assistance in the conduct of the litigation in which the information was disclosed.

(iii) Disclosure may be made to court reporters engaged for depositions and those persons, if any, specifically engaged for the limited purpose of making photocopies of documents. Prior to disclosure to any such court reporter or person engaged in making photocopies of documents, such person must agree to be bound by the terms of this Order.

(iv) Disclosure may be made to consultants, investigators, or experts (hereinafter referred to collectively as “experts”) employed by the parties or counsel

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for the parties to assist in the preparation, discovery and/or trial of the lawsuit.

Prior to disclosure to any expert, the expert must be informed of the provisions of this Order requiring that the documents and information be held in confidence.

(v) Disclosure may be made to persons noticed for depositions or designated as trial witnesses to the extent reasonably necessary in proficiency to testify. Prior to disclosure, the witness must be informed of the provisions of this Order requiring that the documents and information be held in confidence.

(f) Except as provided in subparagraph (e) above, counsel for the parties shall keep all documents designated as confidential which are received under this Order secure within their exclusive possession and shall take reasonable efforts to place such documents in a secure area.

(g) All copies, duplicates, extracts, summaries, or descriptions (hereinafter referred to collectively as “copies”) of documents or information designated as confidential under this Order or any portion thereof, shall be immediately affixed with the word “CONFIDENTIAL” if that word does not already appear.

(h) This Order does not apply to information that has been produced, disclosed or made available to the public or otherwise available for public access. To the extent that there is ambiguity or uncertainty as to whether certain documents or information should be accorded confidential treatment, counsel for the parties agree to meet and confer prior to the filing or public disclosure of such information or documents.

2. **Confidential Information Filed with Court.** To the extent that any materials subject to this Confidentiality Order (or any pleading, motion or memorandum referring to them) are proposed to be filed or are filed with the Court, those materials and papers,

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or any portion thereof which discloses confidential information, shall be filed under seal (by the filing party) with the Clerk of the Court in an envelope marked "SEALED PURSUANT TO ORDER OF COURT DATED \_\_\_\_\_" together with a simultaneous motion pursuant to MD. RULE 16-1009 (hereinafter the "Interim Sealing Motion"). The Interim Sealing Motion shall be governed by MD. RULE 16-1009. Even if the filing party believes that the materials subject to the Confidentiality Order are not properly classified as confidential, the filing party shall file the Interim Sealing Motion; provided, however, that the filing of the Interim Sealing Motion shall be wholly without prejudice to the filing party's rights under ¶4 of this Confidentiality Order.

3. **Party Seeking Greater Protection Must Obtain Further Order.** No information may be withheld from discovery on the ground that the material to be disclosed requires protection greater than that afforded by paragraph 1 of this Order unless the party claiming a need for greater protection moves for an order providing such special protection pursuant to MD. RULE 16-1009.

4. **Challenging Designation of Confidentiality.** A designation of confidentiality may be challenged by the receiving party by submitting a written objection to the producing party. Upon receipt of the written objection, the producing party shall, within twenty (20) days, file a motion with the Court seeking protection. If no such motion is filed, then the confidentiality designation shall be lifted; otherwise, the designation shall remain in place until the Court rules upon the motion. The burden of proving the confidentiality of designated information remains with the party asserting such confidentiality.

5. **Return of Confidential Material at Conclusion of Litigation.** At the conclusion of the litigation, all material treated as confidential under this Order and not received in evidence shall be returned to the originating party. If the parties so stipulate, the material may

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be destroyed instead of being returned. The Clerk of the Court may return to counsel for the parties, or destroy, any sealed material at the end of the litigation, including any appeals.

6. **No Waiver.** The inadvertent, unintentional, or in camera disclosure of confidential documents and information shall not, under any circumstances, be deemed a waiver, in whole or in part, of any party's claims of confidentiality. If a party inadvertently or unintentionally produces any confidential document or information without marking or designating it as such in accordance with the provisions of this Order, then the parties shall comply with Md. Rule 2-402(e)(2). Each receiving person must treat such information as confidential from the date such notice is received. Disclosure of such confidential document or information prior to the receipt of such notice, if known, shall be reported to the party that made the disclosure.

Respectfully submitted,

  
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Putative Class

  
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*Enlight*  
Attorneys for Defendants

**ENTERED**

AUG 10 2015  
Clerk of the Circuit Court  
Montgomery County, Md.

**SO ORDERED** this 5<sup>th</sup> day of August, 2015.

  
Hon. Ronald B. Rubin  
Circuit Court for Montgomery County