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                  **UNITED STATES DISTRICT COURT**
15
                  **CENTRAL DISTRICT OF CALIFORNIA**
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                       **EASTERN DIVISION**
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19 | NAUTILUS, INC.,                | Case No. 5:22-cv-01020-JLS-SP           |
20 |        *Plaintiff,*             | **STIPULATED ORDER UNDER**              |
   |                                 | **FED. R. EVID. 502(d)**                |
21 | v.                              |                                         |
22 | VEVOR CORPORATION, et al.,      |                                         |
23 |        *Defendants.*            |                                         |

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***Attorneys for Defendants Sanven Corporation
and James Liu***

IT IS HEREBY STIPULATED by and between Plaintiff Nautilus, Inc. ("Plaintiff") and Defendants Sanven Corporation and Fuyu Jiao, ("Defendants" and collectively with Plaintiff, the "Parties"), through their respective attorneys of record, stipulate as follows:

WHEREAS, the documents and information, both electronically-stored and hard copy, produced during discovery in this case may be voluminous given the complex nature of this case; and

WHEREAS, pursuant to Fed. R. Evid. 502(d), the parties seek to ameliorate costs and risks associated with the production of voluminous documents and information and resolving disputes regarding privilege,

THEREFORE, this Court orders as follows:

1.  **No Waiver by Disclosure.** This order is entered pursuant to Rule 502(d) of the Federal Rules of Evidence. Subject to the provisions of this Order, if a party (the "Disclosing Party") discloses information in connection with the pending litigation that the Disclosing Party thereafter claims to be privileged or protected by the attorney-client privilege or work product protection ("Protected Information"), the disclosure of that Protected Information will not constitute or be deemed a waiver or forfeiture—in this or any other action, State or Federal—of any claim of privilege or work product protection that the Disclosing Party would otherwise be entitled to assert with respect to the Protected Information and its subject matter.

2.  **Notification Requirements; Best Efforts of Receiving Party.** A Disclosing Party must promptly notify the party receiving the Protected Information (the "Receiving Party"), in writing, that it has disclosed that Protected Information without intending a waiver by the disclosure. Upon such notification, the Receiving Party must—unless it contests the claim of attorney-client privilege or work product protection in accordance with paragraph (3)—promptly (i) notify the Disclosing Party that it will make best efforts to identify and return, sequester

1    or destroy (or in the case of electronically stored information, delete) the Protected

2    Information and any reasonably accessible copies it has and (ii) provide a

3    certification that it will cease further review, dissemination, and use of the

4    Protected Information.  Upon request by the Receiving Party, the Disclosing Party

5    must explain as specifically as possible why the Protected Information is

6    privileged.  For purposes of this Order, if Protected Information that has been

7    stored on a source of electronically stored information that is not reasonably

8    accessible, such as backup storage media, is sequestered, the Receiving Party must

9    promptly take steps to delete or sequester the restored protected information if and

10   when such data is retrieved.

11           3.      **Contesting Claim of Privilege or Work Product Protection.** If the

12   Receiving Party contests the claim of attorney-client privilege or work product

13   protection, the Receiving Party must move the Court for an Order compelling

14   disclosure of the information claimed as unprotected (a "Disclosure Motion"). The

15   Disclosure Motion must be filed under seal and must not assert as a ground for

16   compelling disclosure the fact or circumstances of the disclosure. Pending

17   resolution of the Disclosure Motion, the Receiving Party must not use the

18   challenged information in any way or disclose it to any person other than those

19   required by law to be served with a copy of the sealed Disclosure Motion.

20           4.      **Stipulated Time Periods.** The parties may stipulate to time periods

21   for the activity required by paragraphs (2) and (3).

22           5.      **Attorney's Ethical Responsibilities.** Nothing in this order overrides

23   any attorney's ethical responsibilities to refrain from examining or disclosing

24   materials that the attorney knows or reasonably should know to be privileged and

25   to inform the Disclosing Party that such materials have been produced.

26           6.      **Burden of Proving Privilege or Work-Product Protection.** The

27   Disclosing Party retains the burden—upon challenge pursuant to paragraph (3)—

28   of establishing the privileged or protected nature of the Protected Information.

7.     **In camera Review.** Nothing in this Order limits the right of any party to petition the Court for an in camera review of the Protected Information.

8.     **Voluntary and Subject Matter Waiver.** This Order does not preclude a party from voluntarily waiving the attorney-client privilege or work product protection. The provisions of Federal Rule 502(a) apply when the Disclosing Party uses or indicates that it may use information produced under this Order to support a claim or defense.

9.     **Rule 502(b)(2).** The provisions of Federal Rule of Evidence 502(b)(2) are inapplicable to the production of Protected Information under this Order.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Date: April 4, 2023

Respectfully submitted,

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Date: April 4, 2023

Respectfully submitted,

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