

**UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO**

DIVERSIFIED METAL PRODUCTS,
INCORPORATED, an Idaho corporation,

Plaintiff,

vs.

BECHTEL NATIONAL, INC., a Nevada
corporation,

Defendant.

Case No.: 09-415-EJL-REB

**ORDER ADOPTING STIPULATION
FOR PROTECTIVE ORDER**

(Docket No. 34)

Currently pending before the Court is the parties' Stipulation for Protective Order for Evidentiary Materials Produced by EnergySolutions Federal EPC, Inc. (Docket No. 34). Having carefully reviewed the record and otherwise being fully advised, the Court ADOPTS the parties' Stipulation.

Additionally, the Court notes that the parties' agreement details filing documents under seal with the Court. *See* Stip. ¶ 3 (Docket No. 34). If it becomes necessary to file with the Court or submit as an exhibit at any hearing or trial confidential material or transcripts, depositions, exhibits, pleadings, memorandums, documents, or other materials containing, reproducing, or paraphrasing confidential material, the party filing such submission shall seek to do so under Court seal pursuant to the rules and standards for the filing documents under seal, if those standards can be satisfied. *See* D. Idaho L. Civ. R. 5.3; *Pintos v. Pacific Creditors Ass'n*, 504 F.3d 792, 802 (9th Cir. 2007) (providing that "compelling reasons" are required to seal

documents related to a dispositive motion); *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006) (explaining that a “good cause” standard must be met in order to seal documents attached to nondispositive motions).

Moreover, the Court notes the parties’ agreement that inadvertent disclosure of privileged material shall not be deemed a waiver of the privilege, under certain circumstances. *See* Stip. ¶ 9 (Docket No. 34). In that regard, the parties’ Stipulation will be interpreted consistent with Federal Rule of Evidence 502(b) and Federal Rule of Civil Procedure 26(b)(5)(B).

IT IS SO ORDERED.



DATED: **July 14, 2011**

A handwritten signature in black ink, appearing to read "Ronald E. Bush".

Honorable Ronald E. Bush
U. S. Magistrate Judge