

1 HONORABLE JAMES P. DONOHUE
2
3
4
5
6
7
8

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHIHULY, INC., a Washington corporation
and PORTLAND PRESS, INC., a Washington
corporation,

Plaintiffs,

vs.

ROBERT KAINDL, an individual; BRYAN
RUBINO, individually and on behalf of his
marital community; ART GLASS
PRODUCTION, a Washington company; et al.,

Defendants.

ROBERT KAINDL, an individual; and ART
GLASS PRODUCTION, a Washington
company,

Counter-Claimants,

vs.

CHIHULY, INC., a Washington corporation;
PORTLAND PRESS, INC. a Washington
corporation, and DALE CHIHULY, an
individual,

Counter-Defendants.

NO. C05-1801JP

DEFENDANTS BRYAN RUBINO'S,
ROBERT KAINDL'S AND ART GLASS
PRODUCTION'S MEMORANDUM IN
OPPOSITION TO MOTION FOR
BLANKET PROTECTIVE ORDER

NOTED ON MOTION CALENDAR:
July 20, 2006

DEFENDANTS' MEMORANDUM IN OPPOSITION TO MOTION FOR
BLANKET PROTECTIVE ORDER- i
(Case No. C05-1801JP)

01606/260713OppMotionProtectiveOrder.dkn.doc

TODD & WAKEFIELD
ATTORNEYS AT LAW
1700 CENTURY SQUARE
1501 FOURTH AVENUE
SEATTLE, WASHINGTON 98101-3660
(206) 622-3585 FAX (206) 583-8980

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	STATEMENT OF FACTS RELEVANT TO MOTION.....	3
A.	Defendants Did Not Say They Would Not Agree to Treat Any Documents as Confidential; They Said that Issues of Confidentiality Should Be Decided on a Category by Category Basis.....	3
B.	The Proposed Protective Order Is Overly-Complicated, Cumbersome and Violates the Attorney-Client Privilege and Work Product Doctrine.....	3
C.	This Is Not A Case About “Trade Secrets.”	4
III.	STATEMENT OF EVIDENCE RELIED UPON.....	5
IV.	STATEMENT OF LEGAL AUTHORITIES	5
A.	There is A Strong Presumption Against Protective Orders In the Ninth Circuit.....	5
B.	The Burden of Establishing the Need For A Protective Order is on the Party Requesting it and Plaintiffs/Counterdefendants Have Not Met Their Burden on the Record Before the Court	6
C.	Even if the Information That Plaintiffs/Counterdefendants Seek to Hide Would Cause Some “Particularized Harm,” the Public’s Interest in Disclosure of The Information In this Case Outweighs Interests of the Plaintiffs/ Counterdefendants, Where They Brought This Action In the First Place.	9
V.	CONCLUSION.....	10

I. INTRODUCTION

Having chosen to settle their differences with defendants by very publicly filing the present lawsuit, plaintiffs and Dale Chihuly now seek to litigate in secret because “as a celebrity Mr. Chihuly’s personal privacy is extremely important.” (Declaration of Billy O’Neill in Support of Plaintiffs’ and Counter-Defendants’ Motion for Protective Order dated July 10, 2006 (“O’Neill Declaration”) at p. 3, ¶ 6, ll. 33-35.) Mr. Chihuly seems to think his “celebrity” status makes the requirements of federal case law and Local Rule CR 5(g)(1) inapplicable to him. Local Rule CR 5(g)(1) embodies federal law on access to court records and states in pertinent part:

There is a strong presumption of public access to the court's files and records which may be overcome only on a compelling showing that the public's right of access is outweighed by the interest of the public and the parties in protecting files, records, or documents from public review.

Local Rule CR 5(g)(1). What is particularly distressing about plaintiffs'/counter-defendants' current motion to defendants is that the plaintiffs have no compunction about impugning Mr. Rubino's and Mr. Kaindl's originality, artistic abilities and personal integrity, but seem to think that they should somehow be granted perpetual immunity from having to disclose information in a lawsuit they started in the first place. *See, e.g.*, Complaint, ¶¶ 6-8, 84-95.

Plaintiffs'/counter-defendants' position is contrary to Ninth Circuit law and indeed is contrary to recent expressions of the need for more, not less, public access to the important business done by our judicial system in cases involving issues of public interest. (See "Your Courts, Their Secrets – Seattle Times Special Report," *The Seattle Times* (March 5, 2006), attached to the accompanying Declaration of Scott C. Wakefield in Opposition to Motion for Protective Order, dated July 17, 2006 ("Wakefield Declaration") as Exhibit B.) This case involves important issues of whether and to what extent the use of colors, shapes and patterns in fine art are protectable under copyright and other statutes. Public interest about this case is

DEFENDANTS' MEMORANDUM IN OPPOSITION TO MOTION FOR
BLANKET PROTECTIVE ORDER- 1
(Case No. C05-1801JP)

01606/260713OppMotionProtectiveOrder.dkm.doc

TODD & WAKEFIELD
ATTORNEYS AT LAW
1700 CENTURY SQUARE
1501 FOURTH AVENUE
SEATTLE, WASHINGTON 98101-3660
(206) 622-3585 FAX (206) 583-8980

1 due to the unique issues involved, not because the defendants, or their counsel, have sought
 2 to generate publicity about it.¹ Wakefield Declaration at ¶¶ 4 and 6 and Exhibits A and C
 3 thereto. This is a case, due to the unique issues involved, which calls out for more public
 4 access not less.

5 Finally, the plaintiffs/counter-defendants have not met their burden of demonstrating
 6 good cause for the needlessly complicated and over-reaching protective order they seek to
 7 impose in this matter. Other than some vague and conclusory statements in Billy O'Neill's
 8 declaration, plaintiffs/counter-defendants do not explain how their business will be
 9 threatened where: (1) the techniques of glass blowing plaintiffs seek to protect are well-
 10 known and, indeed, have been taught for many years at the Pilchuck School, as well as
 11 several other schools, institutions and workshops both in the United States and
 12 internationally (Declaration of Bryan Rubino in Opposition to Motion for Protective Order,
 13 dated July 17, 2006 ("Rubino Declaration")); (2) the galleries/museums Dale Chihuly
 14 exhibits his work at are widely advertised in the general news media, art publications and
 15 other public domains Wakefield Declaration at ¶ 3; (3) the financial information about the
 16 businesses is directly relevant to plaintiffs' claim that their business was harmed by the
 17 actions of the defendants and will certainly have to be disclosed when this matter is tried in
 18 any event; and, (4) marketing and price information about plaintiffs'/counter-defendants' art
 19 is also widely available in the news media, advertising and other public domains. Wakefield
 20 Declaration at ¶ 3.

21
 22
 23
 24 ¹ Mr. Wakefield has labored in near anonymity in the Seattle legal community for over 25 years. As soon as
 25 this matter is concluded, he will undoubtedly return to obscurity.

1 Defendants therefore respectfully request that the Court deny plaintiffs'/counter-
 2 defendants' motion for a needlessly complicated, cumbersome and overly broad 13 page
 3 protective order.

4 **II. STATEMENT OF FACTS RELEVANT TO
 MOTION**

5 **A. Defendants Did Not Say They Would Not Agree to Treat Any Documents as
 Confidential; They Said that Issues of Confidentiality Should Be Decided on a
 Category by Category Basis.**

6 Defendants are certainly willing to discuss specific categories of documents which
 7 may be designated and treated as confidential (as plaintiffs'/counter-defendants' counsel
 8 have acknowledged). Indeed, defendants agreed that there are at least two categories of
 9 documents (unpublished designs/design sketches and employment/independent contractor
 10 agreements between plaintiffs/counter-defendants and other glassblowers) that defendants
 11 would agree to treat as confidential and not publicly disclose. Wakefield Declaration at ¶ 3.
 12 But defendants cannot agree to a blanket protective order that would prevent the defendants
 13 from even discussing documents produced in discovery with their own clients, one of whom
 14 (Mr. Rubino) was an employee and/or independent contractor for plaintiffs/counter-
 15 defendants for years.

16 **B. The Proposed Protective Order Is Overly-Complicated, Cumbersome and
 Violates the Attorney-Client Privilege and Work Product Doctrine.**

17 In addition, the Protective Order that plaintiffs/counterdefendants propose is an
 18 overly-complicated, unworkable document that virtually guarantees mistakes will be made in
 19 how documents designated as confidential are handled during depositions and when court
 20 filings are required. The proposed Protective Order even goes so far as to prohibit lawyers
 21 for the parties from showing certain documents to their own clients without getting
 22 permission from the party making the "Confidential/Restricted" designation on the
 23 24
 25

DEFENDANTS' MEMORANDUM IN OPPOSITION TO MOTION FOR
 BLANKET PROTECTIVE ORDER- 3
 (Case No. C05-1801JP)

01606/260713OppMotionProtectiveOrder.dkm.doc

TODD & WAKEFIELD
 ATTORNEYS AT LAW
 1700 CENTURY SQUARE
 1501 FOURTH AVENUE
 SEATTLE, WASHINGTON 98101-3660
 (206) 622-3585 FAX (206) 583-8980

1 document. See, Proposed Protective Order at p. 4, ¶4 [Docket #92]. This will cause the
 2 parties to bear further unnecessary expense and will create a logistical nightmare in keeping
 3 track of which documents have been approved for client review, and which have not. It will
 4 also create a burdensome process (which could easily be subject to abuse by a producing
 5 party) when it becomes necessary for a lawyer to show a “Confidential/Restricted” document
 6 to a client, which the producing party will not agree to allow the client to see. The parties
 7 must then run to court to get the issue resolved.

8 That aspect of the proposed Protective Order also violates the attorney-client
 9 privilege and work-product doctrine as it would require the lawyer who wanted to show a
 10 “Confidential/Restricted” document to a client to disclose to opposing counsel the document
 11 in question. That necessarily invades the attorney-client privilege and work product doctrine
 12 because a lawyer’s selection of what documents should be shown/discussed with a client
 13 represents the lawyer’s work product by definition. To further require that the lawyer ask
 14 permission from opposing counsel before discussing a document with a client violates the
 15 attorney-client privilege and work product doctrine, because it identifies exactly what
 16 materials the lawyer believes he or she needs to discuss with the client, thereby indicating
 17 what issues or documents the lawyer has identified as being potentially significant in the
 18 case. *See, Sporck v. Peil*, 759 F.2d 312, 315-19 (3rd Cir.), *cert. denied*, 474 U.S. 903 (1985).

19 Consequently, defendants respectfully requests that the court deny plaintiff’s motion
 20 for protective order.

21 **C. This Is Not A Case About “Trade Secrets.”**

22 Much of the plaintiffs’/counter-defendants’ memorandum in support of the motion for
 23 protective order relies on case law where an extremely technical and/or proprietary process,
 24 design or formula was at issue. That is not what this case is about. This case involves a
 25 dispute about whether the defendants are deliberately copying glass artwork for which

DEFENDANTS’ MEMORANDUM IN OPPOSITION TO MOTION FOR
 BLANKET PROTECTIVE ORDER- 4
 (Case No. C05-1801JP)

01606/260713OppMotionProtectiveOrder.dkm.doc

TODD & WAKEFIELD
 ATTORNEYS AT LAW
 1700 CENTURY SQUARE
 1501 FOURTH AVENUE
 SEATTLE, WASHINGTON 98101-3660
 (206) 622-3585 FAX (206) 583-8980

1 Chihuly, Inc. and Portland Press, Inc. have purportedly obtained copyrights. This is not a
 2 case where one competitor is unlawfully using a highly technical, complicated process,
 3 formula or design, allegedly developed by another competitor. Rather, plaintiffs contend that
 4 defendants are improperly infringing plaintiffs' "copyrights" by making glass art that looks
 5 too much like the plaintiffs' allegedly copyrighted work.

6 The plaintiffs do not really care about the "techniques" or "processes" that the
 7 defendants are using to create defendants' glass artwork. The plaintiffs' claims are based
 8 upon the contention that some of the defendants' glass artwork looks too much like the
 9 plaintiffs' allegedly copyrighted glass artwork, regardless of how defendants' glass artwork
 10 was made. The "trade secrets"- protective order case law that the plaintiffs rely on is,
 11 accordingly, simply not applicable to the facts involved in this matter.

12 **III. STATEMENT OF EVIDENCE RELIED UPON**

13 Declaration of Bryan Rubino in Opposition to Motion for Protective Order, dated
 14 July 17, 2006; and

15 Declaration of Scott C. Wakefield in Opposition to Motion for Protective Order,
 16 dated July 17, 2006, and Exhibits thereto.

17 **IV. STATEMENT OF LEGAL AUTHORITIES**

18 **A. There is A Strong Presumption Against Protective Orders In the Ninth Circuit.**

19 There is a long-established common law right to "inspect and copy public records and
 20 documents, including judicial records and documents." *Nixon v. Warner Communications*,
 21 435 U.S. 589, 597 (1978). In the Ninth Circuit "we start with a strong presumption in favor
 22 of access to court records." *Foltz v. State Farm Mutual Automobile Ins. Co.*, 331 F.3d 1122,
 23 1135 (9th Cir. 2003) quoting *Hagestad v. Tragesser*, 49 F.3d 1430, 1434 (9th Cir. 1995).
 24 The Federal Rules of Civil Procedure embody this presumptive right in the "good cause"
 25 standard of Fed. R. Civ. P. 26(c) for the granting of protective orders, ensuring that

DEFENDANTS' MEMORANDUM IN OPPOSITION TO MOTION FOR
 BLANKET PROTECTIVE ORDER- 5
 (Case No. C05-1801JP)

01606/260713OppMotionProtectiveOrder.dkm.doc

TODD & WAKEFIELD
 ATTORNEYS AT LAW
 1700 CENTURY SQUARE
 1501 FOURTH AVENUE
 SEATTLE, WASHINGTON 98101-3660
 (206) 622-3585 FAX (206) 583-8980

1 documents remain public unless a party makes an affirmative showing of “good cause” to
 2 seal. *Accord, Kamakana v. City of Honolulu*, 447 F.3d 1172, 1178-81 (9th Cir. 2006).

3 “Good cause” requires that a party provide “articulable facts” supporting closure, and
 4 the party cannot rely on an “unsupported hypothesis or conjecture.” *Hagestad v. Tragesser*,
 5 49 F.3d 1430, 1434 (9th Cir. 1995). Similarly, the Court must rest its decision on specific
 6 findings. *See, e.g., Press-Enterprise Co. v. Superior Court*, 478 U.S. 1, 10-14 (1986); *Foltz*,
 7 331 F.3d at 1134-35. Embarrassment or inconvenience from the dissemination of the
 8 materials cannot justify a protective order. *Foltz*, 331 F.3d at 1136. Even where it is
 9 established that the disclosure of information may be harmful to a party, the public and
 10 private interests must be weighed to determine whether a protective order is appropriate.
 11 *Glenmede Trust Co. v. Thompson*. 56 F.3d 476, 483-85 (3rd Cir. 1995). Where a case
 12 involves issues of public interest, the balance militates in favor of public access and against
 13 the issuance of a broad, blanket protective order where the litigants get to choose what the
 14 public is entitled to see. *See, Pansy v. Borough of Stroudsburg*. 23 F.3d 772 (3d Cir. 1994).

15 **B. The Burden of Establishing the Need For A Protective Order is on the Party
 16 Requesting it and Plaintiffs/Counterdefendants Have Not Met Their Burden on
 17 the Record Before the Court.**

18 F. R. Civ. P. 26 (c) governs protective orders. It states in pertinent part:

19 (c) **Protective Orders.** Upon motion by a party or by the person from
 20 whom discovery is sought, accompanied by a certification that the movant has
 21 in good faith conferred or attempted to confer with other affected parties in an
 22 effort to resolve the dispute without court action, and for good cause shown,
 23 the court in which the action is pending or alternatively, on matters relating to
 24 a deposition, the court in the district where the deposition is to be taken may
 25 make any order which justice requires to protect a party or person from
 annoyance, embarrassment, oppression, or undue burden or expense,
 including one or more of the following:

26 * * *

27 DEFENDANTS' MEMORANDUM IN OPPOSITION TO MOTION FOR
 28 BLANKET PROTECTIVE ORDER- 6
 (Case No. C05-1801JP)

29 01606/260713OppMotionProtectiveOrder.dkm.doc

30 **TODD & WAKEFIELD**
 ATTORNEYS AT LAW
 1700 CENTURY SQUARE
 1501 FOURTH AVENUE
 SEATTLE, WASHINGTON 98101-3660
 (206) 622-3585 FAX (206) 583-8980

(7) that a trade secret or other confidential research, development, or commercial information not be revealed or be revealed only in a designated way; and

The burden of demonstrating “good cause” lies with the party seeking the protective order. *Glenmede Trust Co. v. Thompson*. 56 F.3d 476, 483-84 (3rd Cir. 1995). To establish good cause a party must demonstrate that disclosure of information or materials will result in particularized harm, not just that the party requesting the Protective Order would prefer not to have the information publicly available or that the information might be distressing or potentially embarrassing. *Id.* The showing of good cause must be made for each particular document a party seeks to protect. *Foltz*, 331 F.3d at 1130.

Here the plaintiffs/counterdefendants have failed to establish even the first prong of the test for entering a protective order. There is no showing on the record before the court that the disclosure of any of the allegedly confidential information discussed in the Billy O'Neill Declaration will result in any particularized harm to Chihuly, Inc. ("CI"), Portland Press, Inc. ("PPI"), Dale Chihuly or anyone else. While the O'Neill Declaration goes through a great deal of effort to establish Mr. Chihuly's status as a celebrity artist, it offers only vague generalities when it comes to the alleged harm that would be done to CI, PPI and/or Mr. Chihuly if CI/PPI/Mr. Chihuly's financial, marketing and sales, and operational information were disclosed. For example, Mr. O'Neill² opines that "as a celebrity, Mr. Chihuly's personal privacy is extremely important to preserving a normal family life, ensuring his good health and ensuring his ability to produce further Artworks." O'Neill Declaration at p. 3, ¶ 6, ll.33-37. Certainly everybody enjoys a reasonable degree of "personal privacy," and no doubt "personal privacy" contributes in some generalized way to

² Mr. O'Neill's foundation for his opinions about the alleged adverse effects of loss of "personal privacy" on health is unclear. He does not appear to be a health care provider.

1 a “normal family life” and “good health.” But that kind of amorphous, folk-wisdom does
 2 not establish a showing of the kind of particularized harm required by Ninth Circuit case law,
 3 that will result to CI/PPI/Mr. Chihuly if no protective order is entered in this matter. Even if
 4 some of the information that the plaintiffs/counterdefendants must produce in discovery is
 5 potentially embarrassing there is no automatic right to a protective order. *See, Glenmede*
 6 *Trust Co. v. Thompson*, 56 F.3d at 484.

7 Similarly Mr. O’Neill’s protestations that the “widespread disclosure” of unspecified
 8 confidential information “could not only affect the market for information about Mr.
 9 Chihuly” and would “distract attention away from the core business as we seek to respond to
 10 inquiries from the press, our galleries collectors and others” seems a bit disingenuous given
 11 the skill with which Mr. Chihuly and his organizations have orchestrated the public relations
 12 aspects of Mr. Chihuly’s businesses for years. Indeed, Mr. Chihuly recently gave an
 13 extensive interview to Seattle Post-Intelligencer art critic Regina Hackett which covered in
 14 explicit detail Mr. Chihuly’s personal struggles with bipolar disorder. Ms. Hackett’s article
 15 was prominently featured on the front page of the April 17, 2006 edition of the Post-
 16 Intelligencer. Declaration of Scott C. Wakefield in Opposition to Motion for Protective
 17 Order, dated July 17, 2006 (Wakefield Declaration”) at ¶ 6 and Exhibit C thereto. Mr.
 18 Chihuly’s candor in publicly disclosing this information is commendable, but the voluntary
 19 disclosure of this kind of sensitive, personal information to a newspaper reporter does not
 20 suggest that either he or his businesses were overly concerned about his “personal privacy”
 21 or that the disclosure of the information would have an adverse affect on Mr. Chihuly’s
 22 “family life” or health, or his businesses’ ability to produce artworks.

23 In summary, the vague and speculative reasons the plaintiffs/counterdefendants offer
 24 in support of their motion for a protective order on such mundane matters as CI/PPI’s
 25 financial records, marketing and sales information and operational materials, do not rise to

DEFENDANTS’ MEMORANDUM IN OPPOSITION TO MOTION FOR
 BLANKET PROTECTIVE ORDER- 8
 (Case No. C05-1801JP)

01606/260713OppMotionProtectiveOrder.dkm.doc

TODD & WAKEFIELD
 ATTORNEYS AT LAW
 1700 CENTURY SQUARE
 1501 FOURTH AVENUE
 SEATTLE, WASHINGTON 98101-3660
 (206) 622-3585 FAX (206) 583-8980

1 the showing of "particularized harm" necessary to establish the need for a protective order
 2 under Ninth Circuit case law. Defendants respectfully request that the Court deny the motion
 3 for protective order.

4 **C. Even if the Information That Plaintiffs/Counterdefendants Seek to Hide Would
 5 Cause Some "Particularized Harm," the Public's Interest in Disclosure of The
 6 Information In this Case Outweighs Interests of the Plaintiffs/
 7 Counterdefendants, Where They Brought This Action In the First Place.**

8 Even if plaintiffs/counterdefendants are correct that they would suffer some sort of
 9 "particularized harm" (which they have yet to articulate with the degree of specificity
 10 required for the overly broad blanket protective order they propose), the inquiry does not end
 11 there. Next the courts examine whether the public interest in the matter is sufficient to
 12 outweigh the plaintiffs'/counterdefendants' interests in the issuance of a protective order.
 13 This case does involve important issues of the extent to which one fine artist can restrict
 14 another from using colors, shapes and patterns by use of copyright and other statutory and
 15 common law mechanisms. It has already engendered a substantial amount of interest in local
 16 and national media. Wakefield Declaration at ¶¶ 4 and 6 and Exhibits A and C, thereto. It
 17 would be one thing if, as is often the case, the attention was not sought by the party who is
 18 being requested to turn over information in the discovery process - - i.e. usually a defendant.
 19 That is not the case here. Mr. Chihuly and his businesses decided to litigate this matter in a
 20 federal district court, and did not exactly act discreetly when they filed the case back in
 21 October 2005. Wakefield Declaration at ¶ 7 and Exhibit D thereto.

22 It sometimes appeared that plaintiffs'/counterdefendants' objective was to create
 23 more, not less interest in the case. They may have succeeded. At any rate there is no
 24 question that whatever the source, there is significant public interest in this matter. Given
 25 that interest, it is not appropriate to place artificial restrictions on the dissemination of
 information to be produced in discovery. That is particularly true where Mr. Chihuly's status

DEFENDANTS' MEMORANDUM IN OPPOSITION TO MOTION FOR
 BLANKET PROTECTIVE ORDER- 9
 (Case No. C05-1801JP)

01606/260713OppMotionProtectiveOrder.dkm.doc

TODD & WAKEFIELD
 ATTORNEYS AT LAW
 1700 CENTURY SQUARE
 1501 FOURTH AVENUE
 SEATTLE, WASHINGTON 98101-3660
 (206) 622-3585 FAX (206) 583-8980

1 as a celebrity automatically makes him a public figure and therefore with some expectation
 2 that his privacy will be diminished as a result of his very public career as a fine artist. As
 3 stated in *Pansy v. Borough of Stroudsburg*, “[P]rivacy interests are diminished when the
 4 party seeking protection is a public person subject to legitimate public scrutiny.” *Id.* at 787.

5 Here, the public interest in the case outweighs whatever privacy interest CI/PPI /Mr.
 6 Chihuly may have in keeping discoverable information out of the public eye.
 7 Plaintiffs/counterdefendants have failed to provide any “articulable facts” showing that they
 8 will suffer any “particularized harm” as a result of disclosing any of the categories of
 9 documents discussed in the O’Neill Declaration. Consequently defendants respectfully
 10 request that the court deny plaintiffs’/counterdefendants’ motion for protective order.

11 **V. CONCLUSION**

12 Plaintiffs/counterdefendants have failed to establish any particularized harm that
 13 would result from the disclosure of financial information, marketing and sales information or
 14 operational information by Chihuly, Inc. and/or Portland Press, Inc.
 15 Plaintiffs/counterdefendants have further failed to demonstrate why their privacy interests are
 16 paramount to the public interest in this matter, given Mr. Chihuly’s admitted celebrity status.
 17 Accordingly, defendants respectfully request that the court deny the
 18 plaintiffs’/counterdefendants’ motion for protective order.

19 //

20 //

21 //

22 //

23 //

24 //

25 //

DEFENDANTS’ MEMORANDUM IN OPPOSITION TO MOTION FOR
 BLANKET PROTECTIVE ORDER- 10
 (Case No. C05-1801JP)

01606/260713OppMotionProtectiveOrder.dkm.doc

TODD & WAKEFIELD
 ATTORNEYS AT LAW
 1700 CENTURY SQUARE
 1501 FOURTH AVENUE
 SEATTLE, WASHINGTON 98101-3660
 (206) 622-3585 FAX (206) 583-8980

1 DATED this 17th day of July, 2006.

2 Respectfully submitted,

3 TODD & WAKEFIELD

5 By J. Wakefield
6 Scott C. Wakefield
7 WSBA #11222
8 Attorneys for Defendant Rubino

9 STOKES LAWRENCE, P.S.

10 By Scott C. Wakefield for
11 Bradford J. Axel and Kathleen T. Petrich
12 Bradford J. Axel WSBA #29269
13 Kathleen T. Petrich WSBA #22143
14 Attorneys for Defendant Rubino

15 SEED IP LAW GROUP, PLLC

16 By Scott C. Wakefield for
17 Timothy L. Boller
18 Timothy L. Boller
19 WSBA #29079
20 Attorneys for Defendants
21 Robert Kaindl and Art Glass Production

22 DEFENDANTS' MEMORANDUM IN OPPOSITION TO MOTION FOR
23 BLANKET PROTECTIVE ORDER- 11
24 (Case No. C05-1801JP)

25 01606/260713OppMotionProtectiveOrder.dkm.doc

TODD & WAKEFIELD
ATTORNEYS AT LAW
1700 CENTURY SQUARE
1501 FOURTH AVENUE
SEATTLE, WASHINGTON 98101-3660
(206) 622-3585 FAX (206) 583-8980

CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2006, I electronically filed the following documents:

1. DEFENDANTS BRYAN RUBINO'S, ROBERT KAINDL'S AND ART
2. GLASS PRODUCTION'S MEMORANDUM IN OPPOSITION TO MOTION FOR
3. BLANKET PROTECTIVE ORDER;

4. DECLARATION OF BRYAN RUBINO IN OPPOSITION TO MOTION
5. FOR PROTECTIVE ORDER;

6. DECLARATION OF SCOTT C. WAKEFIELD IN OPPOSITION TO
7. MOTION FOR PROTECTIVE ORDER; and,

8. PROPOSED ORDER DENYING PLAINTIFFS' AND COUNTER-
9. DEFENDANTS' MOTION FOR PROTECTIVE ORDER;

10. with the Clerk of the Court using the CM/ECF system, which will send notification of such
11. filing to the following:

12. Attorney For Plaintiffs and Counter-Defendants:

13. Susan E. Foster, Esq. WSBA #8030
14. William C. Rava, Esq. WSBA #29948
15. James L. Vana, Esq. WSBA #34924
16. SFoster@perkinscoie.com
17. WRava@perkinscoie.com
18. JVana@perkinscoie.com

19. Attorney For Defendants Rubino:

20. Bradford J. Axel, Esq. WSBA #29269
21. Kathleen T. Petrich, Esq. WSBA #22143
22. bradford.axel@stokeslaw.com
23. kathleen.petrich@stokeslaw.com
24. //
25. //
26. //
27. //

DEFENDANTS' MEMORANDUM IN OPPOSITION TO MOTION FOR
BLANKET PROTECTIVE ORDER- 12
(Case No. C05-1801JP)

01606/260713OppMotionProtectiveOrder.dkm.doc

TODD & WAKEFIELD
ATTORNEYS AT LAW
1700 CENTURY SQUARE
1501 FOURTH AVENUE
SEATTLE, WASHINGTON 98101-3660
(206) 622-3585 FAX (206) 583-8980

1 **Attorney For Defendants/Counter-Claimants Kaindl and Art Glass Prod.:**

2 Timothy L. Boller, Esq. WSBA #29079

3 William O. Ferron, Esq. WSBA #11813

4 Nima A. Seyedali, Esq. WSBA #37014

timb@SeedIP.com

billf@SeedIP.com

nimas@SeedIP.com

5 

6 DEANNA MILLER

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DEFENDANTS' MEMORANDUM IN OPPOSITION TO MOTION FOR
BLANKET PROTECTIVE ORDER- 13
(Case No. C05-1801JP)

01606/260713OppMotionProtectiveOrder.dkm.doc

TODD & WAKEFIELD
ATTORNEYS AT LAW
1700 CENTURY SQUARE
1501 FOURTH AVENUE
SEATTLE, WASHINGTON 98101-3660
(206) 622-3585 FAX (206) 583-8980