

2. Given that the “source code” and voting machines have been given in discovery in other jurisdictions, Election Systems & Software, Inc. and Sequoia Voting System’s motion for Protective Order is denied.

3. Before the source code and voting machines are produced, Petitioners shall within twenty (20) days of the date of this Order attempt to arrive at a mutually satisfactory Protective Order. In drafting that order, the parties shall include provisions that:

a. Until further order of court, Petitioners’ experts shall not publish or otherwise disclose any information of any level of work in this case with respect to any confidential information received pursuant to this Order;

b. Petitioners will have the burden to lift any confidential restriction on information produced pursuant to this Order.

4. If the parties are unable to agree on a Protective Order within the time allotted, the parties shall produce a draft order containing the provision on which the parties agree, and on matters on which the parties disagree, each party shall submit language on the disputed matters that it contends shall be included in the Protective Order.



DAN PELLEGRINI, JUDGE

Certified from the Record
DEC 16 2009
and Order Exit