

1 XAVIER BECERRA
Attorney General of California
2 KATHLEEN FOOTE
Senior Assistant Attorney General
3 PAUL A. MOORE III
Deputy Attorney General
4 State Bar No. 241157
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-2372
6 Fax: (415) 703-5480
E-mail: Paul.Moore@doj.ca.gov
7 *Attorneys for the State of California*

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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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13 STATE OF CALIFORNIA,
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15 Plaintiff,
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17 v.
18 VALERO ENERGY CORPORATION,
VALERO ENERGY PARTNERSHIP LP,
19 And
PLAINS ALL AMERICAN PIPELINE, L.P.,
20
21 Defendants.

Civil Action No. 17-cv-3786 (WAH)

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF ENTRY
OF PROTECTIVE ORDER**

Hearing Date:
Time:
Place:
Judge:

22 **PLAINTIFF STATE OF CALIFORNIA'S MOTION FOR AND STATEMENT OF**
23 **POINTS AND AUTHORITIES IN SUPPORT OF ENTRY OF A PROTECTIVE ORDER**

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25 Plaintiff, the State of California ("California"), by its attorneys, filed this action seeking
26 orders temporarily and preliminarily enjoining the proposed merger between Defendants Valero
27 Energy Partners LP and Valero Energy Corporation (collectively "Valero"), and Plains All
28 American Pipeline, L.P. ("Plains") as a violation of Section 7 of the Clayton Act, 15 U.S.C. § 18.

1 By this motion, California seeks an order, pursuant to Rule 26(c), Fed. R. Civ. P., to prevent
2 disclosure of the discovery taken in its investigation and to be taken in this litigation, because the
3 discovery contains confidential commercial information both of Defendants and of third parties.

4 In the course of its investigation, California obtained discovery from Defendants and third
5 parties that is relevant to the Complaint but which contains competitively sensitive information.
6 This competitively sensitive information includes trade secrets and other confidential research,
7 development, commercial, or financial information, as such terms are used in Rule 26(c)(1)(G),
8 Fed. R. Civ. P.. The proposed protective order will allow California to share this discovery with
9 counsel for Defendants but will protect this information against unwarranted disclosure either to
10 Defendants' employees or to the public.

11 Rule 26(c) of the Federal Rules of Civil Procedure grants the Court the discretion to issue
12 such protective orders. That rule provides, in pertinent part:

13 A party or any person from whom discovery is sought may move for a
14 protective order in the court where the action is pending . . . The court may,
15 for good cause, issue an order to protect a party or person from annoyance,
embarrassment, oppression, or undue burden or expense, including one or
more of the following . . .

16 * * *

17 . . .requiring that a trade secret or other confidential research, development, or
18 commercial information not be revealed or be revealed only in a specified
way . . .

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20 Fed. R. Civ. P. 26(c)(1)(G).

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23 A proposed order is attached.

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Dated: July 10, 2017

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
KATHLEEN FOOTE
Senior Assistant Attorney General

/s/ PAUL A. MOORE III
PAUL A. MOORE III
Deputy Attorney General
Attorneys for the State of California