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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

CARLOS DADA, SERGIO ARAUZ, GABRIELA CÁCERES GUTIÉRREZ, JULIA GAVARRETE, ROMAN GRESSIER, GABRIEL LABRADOR, ANA BEATRIZ LAZO ESCOBAR, EFREN LEMUS, DANIEL LIZÁRRAGA, CARLOS LÓPEZ SALAMANCA, CARLOS MARTÍNEZ, ÓSCAR MARTÍNEZ, MARÍA LUZ NÓCHEZ, VÍCTOR PEÑA, NELSON RAUDA ZABLAH, DANIEL REYES MARTÍNEZ, MAURICIO SANDOVAL SORIANO, and JOSÉ LUIS SANZ,

Plaintiffs,

v.

NSO GROUP TECHNOLOGIES LTD. and Q CYBER TECHNOLOGIES LTD.,

Defendants.

Case No. 3:22-cv-07513-JD

[*Honorable James Donato*]

STIPULATION TO SUPPLEMENT THE PROTECTIVE ORDER

Action Filed: 11/30/2022

The parties, by and through their respective attorneys of record, stipulate as follows:

WHEREAS, on August 17, 2023, [Dkt. 56], Defendants filed a motion for entry of a proposed protective order to provide certain documents to Plaintiff's counsel and to the Court that Defendants contend are sensitive and highly confidential and should be subject to an attorneys' eyes only designation (the "AEO Materials"); and

WHEREAS, on October 3, 2023, [Dkt. 62], the Court ordered that in the absence of an agreement by the parties on a protective order, the Court would enter the District's Stipulated Protective Order for Standard Litigation and that the parties were to file by October 16, 2023, a proposed protective order consistent with this Order; and

WHEREAS, on October 16, 2023, [Dkt. 63], the parties filed a stipulation and proposed order reflecting the parties' agreement to modify the Stipulated Protective Order for Standard Litigation in certain respects; and

WHEREAS, on October 17, 2023, [Dkt. 64], the Court denied the parties' stipulated request and ordered the parties to submit a proposed protective order which follows exactly the "Stipulated Protective Order for Standard Litigation," which the parties filed on October 24, 2023 [Dkt. 65]; and

WHEREAS, on October 31, 2023, [Dkt. 66], the Court entered the proposed protective order of October 24, 2023; and

WHEREAS, Defendants are in possession of highly confidential foreign materials that they seek to provide to Plaintiffs, and that have already been submitted to this Court (*Apple Inc .v. NSO Group Tech. Ltd.*, United States District Court, Northern District of California, Case No. 3:21-cv-09078-JD, Dkt Nos. 62-2 through 62-8, the "Highly Confidential Foreign Materials"), but Defendants are prohibited by legal obligations owed to the authors of the Highly Confidential Foreign Materials from sharing them with Plaintiffs if the Stipulated Protective Order for Standard Litigation governs Plaintiffs' treatment of the Highly Confidential Foreign Materials; and

WHEREAS, the parties now seek to supplement the Protective Order with the attached Order, which is intended to apply only to the Highly Confidential Foreign Materials and does

not govern materials produced, served, exchanged, or otherwise provided during discovery;

THEREFORE, the parties hereby stipulate to and petition the Court to supplement the Protective Order as follows:

Plaintiffs' counsel shall not publish or share with anyone other than counsel of record in this matter the foreign materials that Defendants intend to submit to the Court in connection with their pending motion to dismiss and that Defendants designate as "Highly Confidential Attorney's Eyes Only" (the "Highly Confidential Foreign Materials"), except as agreed to in writing by Defendants, until such time as the Court enters a confidentiality protective order providing for treatment of certain materials as Highly Confidential Attorney's Eyes Only, at which point the terms of such confidentiality protective order shall govern the treatment of the Highly Confidential Foreign Materials. If no such confidentiality protective order is entered, Plaintiffs' counsel shall return or destroy all copies of the Highly Confidential Foreign Materials within 60 days of the final disposition of this litigation, with final disposition deemed to be the later of (1) dismissal of all claims and defenses in this action, with or without prejudice; and (2) final judgment herein after the completion and exhaustion of all appeals, rehearings, remands, trials, or reviews of this action, including the time limits for filing any motions or applications for extension of time pursuant to applicable law.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED: November 13, 2023

/s/ Carrie DeCell

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Attorney for Plaintiffs

DATED: November 13, 2023

/s/ Aaron S. Craig
JOSEPH N. AKROTIRIANAKIS
AARON S. CRAIG

Attorneys for Defendants
NSO GROUP TECHNOLOGIES LIMITED
and Q CYBER TECHNOLOGIES LIMITED

L.R. 5-1 ATTESTATION

I, Aaron S. Craig, attest that all signatories listed herein, and on whose behalf this filing is submitted, concur in this filing's content and have authorized this filing.

By: */s/ Aaron S. Craig*
AARON S. CRAIG