

1 LYSSA S. ANDERSON  
 Nevada Bar No. 5781  
 2 KAEMPFER CROWELL RENSHAW  
 GRONAUER & FIORENTINO  
 3 8345 West Sunset Road, Suite 250  
 Las Vegas, Nevada 89113  
 4 Telephone: (702) 792-7000  
 Fax: (702) 796-7181  
 5 [landerson@kcnvlaw.com](mailto:landerson@kcnvlaw.com)  
 Attorneys for Defendants

6 UNITED STATES DISTRICT COURT  
 7 DISTRICT OF NEVADA

8 DR. TAM NGUYEN,  
 9 Plaintiff,

Case No. 2:12-cv-01527-GMN- NJK

10 vs.

**STIPULATION AND ORDER FOR  
 PROTECTIVE ORDER REGARDING  
 CONFIDENTIALITY**

11 LAS VEGAS METROPOLITAN POLICE  
 DEPARTMENT, a political subdivision of the  
 12 State of Nevada; Police Officer NAKAGAWA  
 (LVMPD #5476), individually and as police  
 13 officer employed by the Las Vegas  
 Metropolitan Police Department; Police Officer  
 14 GEIGER (LVMPD #9864), individually and as  
 police officer employed by the Las Vegas  
 15 Metropolitan Police Department; POLICE  
 OFFICER JOHN DOES I-XX; and JOHN  
 16 DOES I-XX, inclusive,

As modified (Paragraph 11)

17 Defendants.

18 Discovery in this action will require Las Vegas Metropolitan Police Department, Officer  
 19 Duane Nakagawa and Officer Kathleen Geiger, "Defendants", to provide the parties to this  
 20 lawsuit with information and documents, specifically personnel records of Defendants, which  
 21 contain information that is confidential, proprietary and sensitive as discussed in Segura v. Reno,  
 22 116 F.R.D. 42 (D.Nev. 1987). Disclosure of this information could result in harm to the  
 23 Defendants' reputation and employment. Although this information may be subject to  
 24 conditional disclosure, the Defendants are entitled to the protections described below.

KAEMPFER CROWELL RENSHAW  
 GRONAUER & FIORENTINO  
 8345 West Sunset Road  
 Suite 250  
 Las Vegas, Nevada 89113

KAEMPFER CROWELL RENSHAW  
GRONAUER & FIORENTINO  
8345 West Sunset Road  
Suite 250  
Las Vegas, Nevada 89113

1           1.     As used in this Protective Order, the term "Confidential Information" means any  
2 documents, testimony, or other information, specifically personnel records of Defendants, that is  
3 produced from the date of this agreement forward and has been designated as  
4 "CONFIDENTIAL".

5           2.     The term "disclosure" shall include the dissemination, communication,  
6 publication and reproduction of any confidential material or the specific contents of the  
7 information contained therein, or the communication of any estimate or other information which  
8 facilitates the discovery of confidential information. Should any pleadings with the Court  
9 require reference or attachment of any confidential information, the attachment shall be filed  
10 under seal pursuant to this Stipulation and Order, as further defined in Paragraph 11 below.

11           3.     As used in this Protective Order, the term "qualified persons" means (i) counsel of  
12 record for the parties to this litigation, including office associates, paralegals, and stenographic  
13 and clerical employees to whom disclosure is reasonably necessary; (ii) experts retained for the  
14 purpose of this litigation to whom disclosure is reasonably necessary and who reviewed and  
15 signed a copy of this Stipulation; (iii) parties to this action; and (iv) court personnel, including  
16 stenographic reporters engaged in such proceedings as are necessarily incident to this litigation.

17           4.     Confidential information shall be and remain confidential, and, except as allowed  
18 by this Protective Order, may not be disclosed or communicated, nor used for any purpose other  
19 than this litigation, including any appeals.

20     ///  
21     ///  
22     ///  
23     ///  
24     ///

1           5. Any and all documents containing confidential information must be retained by  
2 counsel and not be disclosed or made available to any person other than a qualified person who  
3 has read and acknowledged the terms of this Protective Order. Similarly, the confidential  
4 information contained within those documents may not be disclosed to any person other than a  
5 qualified person. To the extent reasonably necessary, copies of confidential documents may be  
6 provided to experts retained for the purpose of this litigation to whom disclosure is reasonably  
7 necessary and who have signed this Stipulation and Protective Order. Nothing in this Protective  
8 Order shall in any way affect the admissibility or use at trial of any of the documents produced  
9 under this Protective Order.

10           6. Any person who is in possession of confidential information, or to whom  
11 confidential information is disclosed, is responsible for ensuring that such confidential  
12 information is not inadvertently disclosed by him or her. Failure to take all reasonable  
13 precautions to ensure against such inadvertent disclosure will be viewed by the Court as willful  
14 disobedience of this Protective Order, and will be punished accordingly.

15           7. Counsel receiving confidential information may not disclose that confidential  
16 information to any expert without first furnishing to that expert a copy of this Stipulation and  
17 Protective Order and obtaining a signed copy of this Stipulation and Protective Order from that  
18 expert.

19 ///

20 ///

21 ///

22  
23  
24  
KAMPFER CROWELL RENSHAW  
GRONAUER & FIORENTINO  
8345 West Sunset Road  
Suite 250  
Las Vegas, Nevada 89113

KRAEMER CROWELL RENSCHAW  
GROHAUER & FIORENTINO  
8345 West Sunset Road  
Suite 250  
Las Vegas, Nevada 89113

1           8. Any person who executed a copy of this Stipulation and Protective Order submits  
2 to the jurisdiction of this Court for purposes of enforcement of this Protective Order, either prior  
3 to or following trial of this action. Jurisdiction of this action is to be retained by this Court after  
4 final determination for purposes of enabling any party or person affected by this Protective Order  
5 to apply to the Court for such direction or further decree as may be appropriate for the  
6 construction or enforcement of this Protective Order, or for such additional relief as may become  
7 appropriate.

8           9. If a party objects to the designation by Defendants of documents or items,  
9 pleadings, or transcripts of testimony as "CONFIDENTIAL" the party shall give notice of the  
10 same to Counsel for LVMPD, in writing of the documents, pleadings, and/or testimony at issued  
11 and the reason for the objection. Defendants shall thereafter have twenty (20) business days  
12 within which to apply to the Court for appropriate protection of the documents, pleadings, and/or  
13 testimony pursuant to the Federal Rules of Civil Procedure. If Defendants do not make  
14 application within twenty (20) business days after receipt of the written objection (or within the  
15 stipulated time period if stipulated to be longer or shorter than twenty (20) days), then the  
16 documents, pleading, and/or testimony at issued shall no longer be deemed "CONFIDENTIAL".  
17 However, until expiration of the twenty (20) day time period (or longer or shorter if stipulated)  
18 or until the Court enters an order changing the designation, whichever is later, the information  
19 shall continue to be given the "CONFIDENTIAL" treatment initially assigned to it and provided  
20 for in this order.

21           10. If any individual making copies of any confidential information allowed by this  
22 agreement, said individual must ensure that the copies are also marked "Confidential".

23 ///

24 ///

1           11. Any person who wishes to file with this Court any document, paper, or other  
2 tangible item disclosing confidential material may disclose only those confidential materials that  
3 are necessary to support the pleadings, motion or other paper to which the confidential  
4 document, paper, or other tangible item is attached and must do so  
5 concurrently with a motion to seal.

6           12. Nothing in this Protective Order precludes the deposition examination of any  
7 person regarding confidential information of which they have knowledge. In any such  
8 deposition, third-party may designate specific testimony deemed to be "CONFIDENTIAL" by  
9 advising the court reporter of such fact prior to the conclusion of the deposition. The reporter  
10 shall mark the fact of the transcript "CONTAINS CONFIDENTIAL INFORMATION." All  
11 transcripts of said deposition containing confidential information will be treated in accordance  
12 with this Protective Order, wherein if any portions of the deposition transcript containing  
13 confidential material is to be filed with the Court, it should be filed with the Court under seal as  
14 described in paragraph 11.

15           13. If, during trial, any party intends to introduce into evidence any information  
16 designated as "CONFIDENTIAL", the party shall give timely notice of that intention to the  
17 Court and the opposing counsel, and the Court may take such steps as it shall deem reasonably  
18 necessary to preserve the confidentiality of such information, without violating any statute or  
19 other rule of the Court.

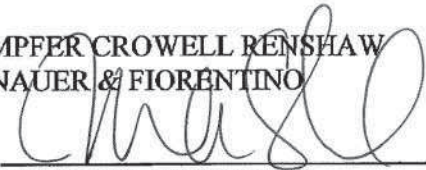
20           14. Nothing in this Protective Order requires a party to disclose confidential  
21 information that the party also contends is protected from disclosure based upon a privilege  
22 (including but not limited to HIPAA rights of others) or for some reason other than the mere  
23 confidential or proprietary nature of the document or information (including but not limited to  
24 non-discoverable trade secrets).




1 18. Anyone found to be in violation of this Order may have sanctions imposed against  
2 him or her as the Court may determine and allowable under law and may also be subject to  
3 contempt of court proceedings.

4 DATED this 14<sup>th</sup> day of February, 2013.

5 KAEMPFER CROWELL RENSHAW  
6 GRONAUER & FIORENTINO


7 BY:   
8 LYSSA S. ANDERSON  
9 NV Bar 5781  
10 8345 West Sunset Road, Suite 250  
11 Las Vegas, Nevada 89113  
12 **Attorneys for Defendant LAS VEGAS**  
13 **METROPOLITAN POLICE DEPARTMENT**

14 DATED this 13 day of February, 2013.

15 BY:   
16 Cal J. Potter, III, Esq.  
17 Potter Law Offices  
18 1125 Shadow Lane  
19 Las Vegas, Nevada 89102  
20 (702) 385-1954  
21 (702) 385-9081 - facsimile  
22 **Attorney for Plaintiff**

23 **ORDER**

24 IT IS SO ORDERED.

  
UNITED STATES Magistrate Judge  
Dated: February 19, 2013

KAEMPFER CROWELL RENSHAW  
GRONAUER & FIORENTINO  
8345 West Sunset Road  
Suite 250  
Las Vegas, Nevada 89113