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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ERIC WADE, an individual;

Plaintiff,

vs.

WALMART INC. dba WALMART
NEIGHBORHOOD MARKET; DOE WAL-
MART EMPLOYEES I-V; DOE WAL-MART
MANAGERS I-V; ROE MAINTENCANCE
COMPANY; and ROE COMPANIES I-V,
inclusive,

Defendants.

Case No.: 2:23-cv-01554-JAD-NJK

**STIPULATED PROTECTIVE
ORDER**

The parties have stipulated to entry of this Protective Order pursuant to Fed. R. Civ. P. 26(c) and LR IA 6-2, the Ninth Circuit’s directives in *Kamakana v. City and County of Honolulu*, 447 F.3d 1172 (9th Cir. 2006). Discovery in this action related to the claims and defenses asserted includes documents and/or information that Defendant Walmart Inc. asserts are confidential and/or proprietary. The unnecessary disclosure or dissemination of such confidential and/or proprietary could cause irreparable harm to the owner or holder of such information. The parties desire to set forth processes to protect the confidentiality of information and documents that a party deems confidential and/or proprietary. Therefore, with good cause appearing,

1 **IT IS HEREBY ORDERED THAT:**

2 1. Designation of Confidential Documents and Information. The Responding Party shall mark
3 as "confidential" or "produced pursuant to protective order" or in some similar fashion any document
4 for which it claims protection under this order. The documents, things and information contained in
5 them or gleaned from them shall only be used, shown and disclosed only as provided in this order.
6 The term "confidential documents and information" as used in this order shall be construed to include
7 the documents and materials so marked, and their content, substance and the information contained
8 in or gleaned from them. The term shall also be construed to include any summaries, quotes, excerpts
9 and/or paraphrases of the documents, things or information. The designation shall be made in good
10 faith and shall not be made with respect to any document which is in the public domain, such as
11 patents, or any other document which has previously been produced or disseminated without
12 confidentiality protection.

13 2. Access to Confidential Documents and Information by Qualified Persons. This protective
14 order is limited to the context of pre-trial civil discovery. This protective order does not restrict
15 dissemination of information if gained from other public sources outside of pre-trial civil discovery.
16 Accordingly, access to confidential documents and other materials, any parts thereof, any summaries
17 or extracts thereof, as well as matters contained therein which are produced or obtained exclusively
18 through pre-trial discovery shall be limited to the following "qualified persons." The following
19 persons are automatically deemed a "qualified person:"

- 20 a. This Court and its employees;
- 21 b. The jurors;
- 22 c. Counsel of record for the parties to this lawsuit;
- 23 d. Those paralegals, stenographic and clerical employees who are employed by and
24 assisting counsel of record;
- 25 e. The parties of record and their officers, directors, employees, counsel of record and
26 insurers to the extent necessary to assist in preparing for discovery, depositions, resolution,
27 or for trial, or who are otherwise assisting in this litigation;
- 28 f. Deposition witnesses;

1 g. Witnesses called at trial;

2 h. Any mediator who is assigned/chosen to hear this matter, and his/her staff, subject
3 to their agreement to maintain confidentiality to the same degree as required by this
4 stipulation; and

5 i. Any expert or consultant (including persons directly employed by such experts or
6 consultants) who has been retained or specially employed by a party in anticipation of this
7 litigation or for trial of this case, to the extent necessary to assist in the litigation, and who
8 has signed a written certification in the form set forth as Exhibit "A"; provided, however, that
9 no confidential documents and information shall be disseminated to any expert or consultant:

10 i. Who is an employee of a direct business competitor of the party producing
11 the information; or

12 ii. Who is employed by a direct business competitor of the party producing the
13 information and who directly participates in design, manufacturing, marketing, or
14 service activities of direct business competitors.

15 h. Any certified shorthand or court reporters retained to report a deponent's testimony
16 taken in this litigation;

17 i. Persons shown on the face of a document to have authored or received it;

18 j. Any person whom the parties agree, in advance and in writing, may receive such
19 protected information, provided that the person has signed a written certification in
20 the form set forth as Exhibit "A."

21 Counsel of record shall maintain such certifications for all designated experts, and shall
22 provide copies of the certifications upon demand to counsel for any opposing party. Demand to one
23 counsel of record for a party is deemed to be a demand to all counsel of record for a party.

24 3. Jurisdiction Over Qualified Persons. Each qualified person is subject to the jurisdiction of
25 this court for purposes of enforcement of this order. Counsel of record are responsible for ensuring
26 that their employees comply strictly with this order. Violation by an employee of counsel shall be
27 deemed a violation by counsel.

1 4. Challenges to Claims of Confidentiality. If a party contends that any documents,
2 information or portions of them which another party or third party has designated as confidential are
3 not entitled to protection, the parties in good faith will confer and attempt to reach an agreement. If
4 the parties cannot reach an agreement, the party seeking to reclassify may seek appropriate relief
5 from the court, with the party seeking to maintain the confidential designation bearing the burden to
6 establish the claim of confidentiality. The documents and information shall remain confidential until
7 their status is changed by stipulation or order of the Court.

8 5. Use of Confidential Documents and Information Generally. Confidential documents,
9 things and information may be used solely in connection with this lawsuit and for no other purpose.
10 No qualified person who gains access to the confidential documents, things and information may
11 disclose them or their contents to any other person without the written stipulation of the producing
12 party or by order of this Court.

13 6. Use of Confidential Documents and Information in this Lawsuit. Confidential documents,
14 things and information may be used at trial, arbitration or at depositions, in accordance with the
15 following safeguards. If confidential documents, things and information are used in depositions, all
16 portions of the transcript of such depositions and exhibits thereto which refer to or relate to such
17 confidential documents, things or information shall themselves be considered as confidential
18 documents. The party introducing during a deposition such confidential documents, thing and
19 information shall ensure that the court reporter binds the confidential portions of the transcript and
20 exhibits separately and labels them "confidential." In addition, each deponent is ordered that he may
21 not divulge any confidential documents, things or information except to qualified persons.
22 Confidential documents, things or information may be offered at the trial and/or arbitration of this
23 matter for consideration by the trier of fact.

24 7. Filing and Sealing. See order issued concurrently herewith.
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8. Action by the Court. Applications to the Court for an order relating to any documents designated for protection under this Order shall be by stipulation or motion under Local Rules 7-1 or

1 7-2 and any other procedures set forth in the presiding judge's standing orders or other relevant
2 orders. Nothing in this Order or any action or agreement of a party under this Order limits the Court's
3 power to make any orders that may be appropriate with respect to the use and disclosure of any
4 documents produced or used in discovery or at trial.

5 9. Disposal at the Conclusion of this Action. At the conclusion of this action, including any
6 appeal, or upon the settlement and/or dismissal of the litigation, all confidential documents, things
7 and information, and all copies thereof, shall be disposed of by the receiving party within forty-five
8 (45) days. Counsel for the parties may preserve work product and privileged documents in their
9 permanent files even though such documents may reflect or contain confidential documents or
10 information.

11 10. Amendments. Nothing in this order will prejudice either party from seeking amendments
12 broadening or restricting the rights of access to and the use of confidential documents or information,
13 or contesting the designation of a confidential document or qualified person.

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1 11. Execution. Facsimile copies of signature pages may be used as originals and this
2 Stipulated Protective Order may be executed in counterparts with the same full force and effect. This
3 Stipulation and Protective Order consists of eight (8) pages inclusive of a single one-page exhibit
4 and is executed on the dates set forth below.

5 IT IS SO ORDERED:

6 
7 _____
8 UNITED STATES MAGISTRATE JUDGE

9 DATED: February 29, 2024

10
11 DATED: February 27, 2024

DATED: February 27, 2024

12 /s/ Susan Gillespie

13 _____
14 Tabetha A. Martinez, Esq.
15 Nevada Bar No. 14237
16 Susan E. Gillespie, Esq.
17 Nevada Bar No. 15227
18 BURGER MEYER, LLP
19 400 S. Fourth Street, Ste. 500
20 Las Vegas, NV 89101

21 Attorneys for Defendants

22 /s/ Adrian Karimi

23 _____
24 Ramzy Paul Ladah, Esq.
25 Nevada Bar No. 11405
26 Adrian A. Karimi, Esq.
27 Nevada Bar No. 13514
28 LADAH LAW FIRM
517 S. Third Street
Las Vegas, NV 89101

Attorneys for Plaintiff

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ATTACHMENT A

NONDISCLOSURE AGREEMENT

I, _____, do solemnly swear that I am fully familiar with the terms of the Stipulated Protective Order entered in *Eric Wade v. Walmart, Inc. et al.*, United States District Court for the District of Nevada, Case No.: 2:23-cv-01554-JAD-NJK and hereby agree to comply with and be bound by the terms and conditions of that Stipulated Protective Order unless and until modified by further order of this Court. I hereby consent to the jurisdiction of said Court for the purposes of enforcing this order.

Dated: _____

Signed: _____