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9 **IN THE UNITED STATES DISTRICT COURT**  
 10 **DISTRICT OF NEVADA**

11 RUSSELL SALAS, )  
 12 )  
 Plaintiff, )  
 13 v. )  
 14 GREGORY COX, et al. )  
 15 )  
 Defendants. )  
 16 \_\_\_\_\_ )

Case No. 3:11-cv-00268-ECR-WGC

**STIPULATED PROTECTIVE ORDER  
 AND PROTECTIVE ORDER**

17 In order to protect the confidentiality of confidential information obtained by the parties  
 18 in connection with this case, the parties hereby agree as follows:

19 1. Any party or non-party may designate as “confidential” (by stamping the relevant  
 20 page or otherwise set forth herein) any document or response to discovery which that party or  
 21 non-party considers in good faith to contain information involving trade secrets, or confidential  
 22 business or financial information, or confidential inmate information including, but not limited  
 23 to, pre-sentence investigation reports, victim information, Inspector General investigation  
 24 reports, Serious Threat Group validation records, and/or medical records, subject to protection  
 25 under the Federal Rules of Civil Procedure or Nevada law (“Confidential Information”). Where  
 26 a document or response consists of more than one page, the first page and each page on  
 27 which confidential information appears shall be so designated.

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1           2.     All information produced or exchanged in the course of this case (other than  
2 information that is publicly available) shall be used by the party or parties to whom the  
3 information is produced solely for the purpose of this case.

4           3.     Except with the prior written consent of other parties, or upon prior order of this  
5 Court obtained upon notice to opposing counsel, Confidential Information shall not be  
6 disclosed to any person other than:

7                   (a)     counsel for the respective parties to this litigation, including in-house  
8 counsel and co-counsel retained for this litigation;

9                   (b)     employees of such counsel;

10                  (c)     individual defendants, class representatives, any officer or employee of a  
11 party, to the extent deemed necessary by Counsel for the prosecution or defense of this  
12 litigation;

13                  (d)     consultants or expert witnesses retained for the prosecution or defense of  
14 this litigation, provided that each such person shall execute a copy of the Certification  
15 annexed to this Order as Exhibit "A" (which shall be retained by counsel to the party so  
16 disclosing the Confidential Information and made available for inspection by opposing counsel  
17 during the pendency or after the termination of the action only upon good cause shown and  
18 upon order of the Court) before being shown or given any Confidential Information and  
19 provided that if the party chooses a consultant or expert employed by the Defendant(s) (as  
20 listed on Appendix A), the party shall notify the opposing party, or designating nonparty,  
21 before disclosing any Confidential Information to that individual and shall give the opposing  
22 party an opportunity to move for a protective order preventing or limiting such disclosure;<sup>1</sup>

23                   (e)     any authors or recipients of the Confidential Information;

24                   (f)     the Court, Court personnel, and court reporters; and

25                   (g)     witnesses (other than persons described in paragraph 4(e)). A witness  
26 shall sign the Certification before being shown a confidential document. Confidential  
27 Information may be disclosed to a witness who will not sign the Certification only in a

28 \_\_\_\_\_  
<sup>1</sup> To-date, no party hereto has designated any consultants or expert witnesses in this matter.

1 deposition at which the party who designated the Confidential Information is represented or  
2 has been given notice that Confidential Information shall be designated "Confidential"  
3 pursuant to paragraph 2 above. Witnesses shown Confidential Information shall not be  
4 allowed to retain copies.

5         4. Any persons receiving Confidential Information shall not reveal or discuss such  
6 information to or with any person who is not entitled to receive such information, except as set  
7 forth herein.

8         5. The Confidential Information may be filed under seal in support of a motion for  
9 summary judgment filed contemporaneously with a motion for leave to file the Confidential  
10 Information under seal. Notwithstanding any agreement among the parties, the party seeking  
11 to file a paper under seal bears the burden of overcoming the presumption in favor of public  
12 access to papers filed in court.

13         6. If a party contends that any material is not entitled to confidential treatment, such  
14 party may at any time give written notice to the party or non-party who designated the  
15 material. The party or non-party who designated the material shall have twenty-five (25) days  
16 from the receipt of such written notice to apply to the Court for an order designating the  
17 material as confidential. The party or non-party seeking the order has the burden of  
18 establishing that the document is entitled to protection.

19         7. Notwithstanding any challenge to the designation of material as Confidential  
20 Information, all documents shall be treated as such and shall be subject to the provisions  
21 hereof unless and until one of the following occurs:

22                 (a) the party or non-party claims that the material is Confidential Information  
23 withdraws such designation in writing; or

24                 (b) the party or non-party who claims that the material is Confidential  
25 Information fails to apply to the Court for an order designating the material confidential within  
26 the time period specified above after receipt of a written challenge to such designation; or

27                 (c) the Court rules the material is not confidential.

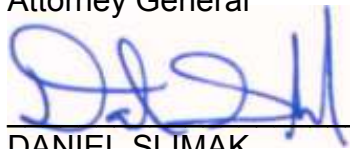
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CATHERINE CORTEZ MASTO  
Attorney General

By:



DANIEL SLIMAK  
Deputy Attorney General  
Office of the Attorney General  
100 N. Carson St.  
Carson City, NV 89701

Date: November 16, 2011

*Attorney for Anthony Calderone  
and Phillip Travis*

# EXHIBIT A

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# EXHIBIT A

**CERTIFICATION**

I hereby certify my understanding that Confidential Information is being provided to me pursuant to the terms and restrictions of the Protective Order dated \_\_\_\_\_, in \_\_\_\_\_, Case No. \_\_\_\_\_. I have been given a copy of that Order and read it. I agree to be bound by the Order. I will not reveal the Confidential Information to anyone, except as allowed by the Order. I will maintain all such Confidential Information- including copies, notes, or other transcriptions made therefrom – in a secure manner to prevent unauthorized access to it. No later than thirty (30) days after the conclusion of this action, I will return the Confidential Information- including copies, notes or other transcriptions made therefrom- to the counsel who provided me with the Confidential Information. I hereby consent to the jurisdiction of the United States District Court for the purpose of enforcing the Protective Order.

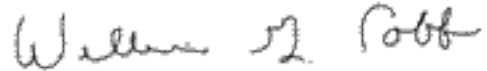
By: \_\_\_\_\_ Date: \_\_\_\_\_

1 **PROTECTIVE ORDER**

2 Having considered the preceding **STIPULATED PROTECTIVE ORDER**, as agreed to  
3 by the parties hereinabove, and good cause having been shown,

4 IT IS HEREBY ORDERED that the Stipulated Protective Order as set forth hereinabove  
5 is granted.

6 Dated this 23rd day of November, 2011.

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 UNITED STATES MAGISTRATE JUDGE