

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Craig B. Shaffer

Civil Action No. 08-cv-02482-RPM-CBS

FIVE TREES LOT 10, LLC,
a Colorado limited liability company,

Plaintiff,

v.

DAVID GLIMCHER and
VICTORIA GLIMCHER,

Defendants.

PROTECTIVE ORDER CONCERNING SUBPOENA TO NATIONAL CITY BANK

THIS MATTER is before the Court on the Stipulation of the parties for the entry of a protective order pursuant to Rule 26(c), F.R.C.P., concerning documents requested by a Subpoena Duces Tecum directed to Susan Bottiggi and National City Bank, and the Court has reviewed same and is advised in the premises.

IT IS THEREFORE ORDERED that the Stipulation shall be and is hereby approved, and pursuant to the Stipulation and Rule 26(c), F.R.C.P:

(A) There shall be no disclosure and/or discovery of the National City Bank documents which are Bates numbered NCB 00020-0023 and NCB 00024-0025 as identified and described in the Stipulation and these documents and the information contained therein shall not be subject to any discovery or use in this case.

(B) Plaintiff and Counterclaim Defendant shall not seek to obtain the National City Bank documents or the information contained therein from National City Bank or any other party in

any way.

(C) The National City Bank documents which are Bates numbered NCB 00001-19 and NCB 00026-45 shall be subject to discovery in this case and may be designated as "CONFIDENTIAL" in accordance with the terms of a stipulated protective order to be entered by the Court.

(D) A copy of the Stipulation and this Order shall be provided to Brent Gardner, Esq., counsel for National City Bank by Defendants.

(E) As set forth in the Stipulation, this Order is subject to Plaintiff's reservation of the right to pursue post-judgment discovery as to the National City Bank documents and subject to Defendants right to object thereto in the event money judgment is entered in Plaintiffs favor in this action.

DATED at Denver, Colorado, this 4th day of January, 2010.

BY THE COURT:

s/Craig B. Shaffer _____
Craig B. Shaffer
United States Magistrate Judge