

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 09-cv-00263-CMA-MJW

ELISE O BANUELOS,

Plaintiff,

v.

JARED WEEKS, CHRIS ONDERLINDE, AND THE CITY OF GREELEY

Defendants.

STIPULATED PROTECTIVE ORDER (Docket No. 17-2)

The parties hereto, by and through their respective attorneys, hereby stipulate as follows:

1. The parties in this matter anticipate they may need or be required to disclose confidential personnel records, and Internal Affairs investigation files related to the subject matter of this litigation. The parties recognize that these files are files of the City of Greeley and are confidential and privileged.

2. The parties agree that any materials produced which are deemed confidential pursuant to this Stipulated Protective Order will not be disseminated beyond the attorneys, parties, members of the attorneys' staff, and expert witnesses in the absence of a stipulation among the parties or Order of this Court. The attorneys for all parties hereby agree to advise their staff, clients and expert witnesses of the terms of the Stipulated Protective Order.

3. As to all documents produced under this Stipulated Protective Order, the parties agree that any pleading in this action, to which such documents are appended, in whole or in part, or containing information derived from such documents, shall be delivered to the Clerk of the United

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Consistent with P.C. Colo LCiv R 7.2
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States District Court under seal and will not be available for public inspection unless released by Order of the Court. Envelopes used to seal such documents shall contain the notation "Confidential. This document is subject to Protective Order and may not be examined or copied except in compliance with such Order."

4. Upon termination of this litigation, all copies of the documents produced under this Protective Order shall be returned promptly to the City as follows:

City of Greeley
c/o Office of the City Attorney
1100 - 10th St., Suite 401
Greeley, CO 80631

5. All working papers or other documents in the possession, custody or control of counsel relating to the information derived from documents covered by this Stipulated Protective Order shall be promptly destroyed or sealed and kept confidential by counsel.

6. Nothing contained in this Stipulated Protective Order shall be deemed to imply that any of the documents produced are relevant to the issues involved in this case, nor that they are not subject to some other objection or privilege.

7. To the extent that these materials are the subject of a deposition in this case, any documents made an exhibit and the portion of the deposition in which the matter is discussed shall be sealed and shall carry the notation "Confidential. This document is subject to a Protective Order issued by the Court and may not be examined or copied except in compliance with such Order."

8. The parties agree that dissemination of these records is limited by the terms of this Protective Order.

9. A party may object to the designation of particular Confidential Information by giving written notice to the party designating the disputed information. The written notice shall identify the

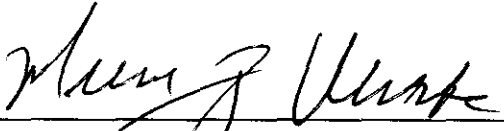
information to which the objection is made. If the parties cannot resolve the objection within (10) business days after the time the notice is received, it shall be the obligation of the party designating the information as Confidential to file an appropriate motion requesting that the Court determine whether the disputed information should be subject to the terms of this Protective Order. If such a motion is timely filed, the disputed information shall be treated as Confidential under the terms of this Protective Order until the Court rules on the motion. If the designating party fails to file such a motion within the prescribed time, the disputed information shall lose its designation as Confidential and shall not thereafter be treated as Confidential in accordance with this Protective Order. In connection with a motion filed under this provision, the party designating the information as Confidential shall bear the burden of establishing that good cause exists for the disputed information to be treated as Confidential.

10. The parties acknowledge that the Court retains the right to alter, amend, or otherwise change his Protective Order. The parties agree, however, that the Order shall remain in effect until further notice is received from the Court.

11. This Stipulated Protective Order does not govern the admissibility at trial of the documents produced under this protective order, nor is it intended as a substitute for objections to information at trial. The parties will raise the issue of admissibility of these documents in pretrial discussions.

Dated this 7th day of MAY, 2009.

BY THE COURT:



Michael J. Watababe
United States Magistrate Judge

For the Plaintiff Eliseo Banuelos:
KINGSFORD LAW OFFICES

s/ Ron A. Kingsford (original signature on file)

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825 10th Street, Suite 100
Greeley, CO 80525
Telephone 970-351-8750

For Defendants City of Greeley, Officer Jared Weeks in his official and individual capacities, And Officer Chris Onderlinde in his official and individual capacities:

OFFICE OF THE CITY ATTORNEY
CITY OF GREELEY

s/ Stacey Aurzada (original signature on file)

Stacey Aurzada
1100 - 10th St., Suite 401
Greeley, CO 80631
Telephone: (970) 350-9757

For Defendants Officer Jared Weeks in his individual capacity, and Officer Chris Onderlinde in his individual capacity:

BRUNO, COLIN, JEWELL & LOWE, P.C.

s/ David Bruno (original signature on file)

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Denver, CO 80202
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