

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

Civil Action No. 10-cv-0868-PAB-CBS

THIS IS A CASE INVOLVING CLAIMS OF NEGLIGENT MEDICAL CARE.

MARIA GALLARDO and D.R.G., A MINOR CHILD BY
AND THROUGH HER NATURAL MOTHER
AND NEXT BEST FRIEND, MARIA GALLARDO,

Plaintiffs

v.

THE UNITED STATES OF AMERICA, and
CITY OF COLORADO SPRINGS, COLORADO,

Defendants.

PROTECTIVE ORDER

The Defendant, City of Colorado Springs, intends to disclose potentially relevant Policies and Procedures to Parties on the condition that such disclosures shall be kept confidential and will not be disclosed to any third party (with the exception of any retained expert(s)). The Parties in the above-captioned matter, and their respective counsel (as well as Parties expert(s)), shall be bound by this Protective Order with respect to certain Policies and Procedures developed and utilized by Defendant City of Colorado Springs, by and through its enterprise, Memorial Health Systems (the "Policies"). The Policies produced by this Defendant shall be treated as and designated as confidential ("confidential information") and, accordingly, the use thereof shall be expressly limited to this action and, only this action. As such, upon conclusion of this

litigation, counsel for Plaintiffs shall destroy its copy of all Policies and shall notify counsel for this Defendant that such destruction has occurred.

Furthermore, the copies of said Policies disclosed to counsel for Plaintiffs shall not then be disclosed without Court Order, to any third party with the exception of Plaintiffs, and Plaintiffs' expert witness(es). Counsel shall advise any experts of this Protective Order and prior to providing a copy of the Policies, counsel will receive the expert's acknowledgement of this Protective Order in writing indicating his/her course of action to destroy his/her copies of the Policies upon the completion of this litigation.

A copy of the Policies may be necessarily utilized at a trial of this matter and any appeal therefrom but that, in such event, the subject Policies will be treated as "confidential" information in accordance with this Protective Order. Similarly, in the event that the contents of this agreement are utilized or elicited at a deposition, the related portions of such deposition transcripts will be treated as confidential information in accordance with this Protective Order. The parties shall work together to collectively seek leave of the Court for purposes of effectuating a method acceptable to the Court for the utilization of any and all materials to which this Protective Order pertains at such trial or hearing.

DATED this __27TH__ day of October, 2010.

BY THE COURT

s/Craig B. Shaffer

Craig B. Shaffer

United States Magistrate Judge