

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

Civil Action No.: 11-cv-00467-LTB-KLM

MATTHEW HARVEY,  
Plaintiff

v.

STATE FARM MUTUAL AUTOMOBILE INSURANCE CO. and, JOHN C. WALLACE,  
Defendants

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**CONFIDENTIALITY/PROTECTIVE ORDER**

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THE COURT DOES HEREBY ORDER that Plaintiff's Medical records and medical information are confidential by virtue of both federal and state privacy rights, as well as medical privilege rights. In the course of these proceedings, the Defendant, Defendant's attorneys and staff, expert witnesses, insurance representatives, and others such as mediators, may obtain access through the Defendant of such information.

IT IS FURTHER ORDERED THAT all such material obtained, including copies or summaries, shall be maintained in a secure manner and eventually destroyed as follows:

(a) Records retained by defense counsel shall be destroyed in accordance with defense counsel's regular business practices for destruction of client files unless a hold order from ~~another~~ <sup>any</sup> court reasonably requires a longer retention period.

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(b) Records retained by Defendant State Farm Mutual Automobile Insurance Company shall be destroyed at the earliest date that is in accordance with insurance regulations, hold orders issued by ~~other~~ <sup>any</sup> courts, statutory requirements and Defendant State Farm Mutual Automobile Insurance Company's regular business practices.

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(c) While Plaintiff's confidential records are maintained by defense counsel and for Defendant State Farm Mutual Automobile Insurance Company as specified above, such records shall not be disclosed to any third parties unless such disclosure is permitted by Plaintiffs written authorization, subpoena, court order, division of insurance regulation or statute.

(d) In connection with the performance of State Farm's insurance functions, nothing in this Order shall prohibit, restrict, or require an authorization for the retention, use, or disclosure of nonpublic personal and medical information and records as authorized or required by federal or state law or regulation, or court order or rule (including preservation of evidence relevant to litigation under court rules such as *Zubulake v. UBS Warburg LLC*, 229 F.R.D. 422 (S.D.N.Y. 2004)).

Dated this 29<sup>th</sup> day of Sept., 2011.

BY THE COURT:

  
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UNITED STATES MAGISTRATE JUDGE