

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

Civil Action No.: 11-CV-2639-MSK-CBS

SHERRY L. DERAY, as Personal Representative of the Estate of JOHN R. WINKLER,

Plaintiff,

v.

CITY OF COLORADO SPRINGS, RICHARD MYERS, RONALD SHEPPARD, CARLOS SANDOVAL and JOHN HAVENAR,

Defendants.

STIPULATED PROTECTIVE ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between the respective parties hereto and their counsel of record, that Defendants John Havenar, Carlos Sandoval, and Ronald Sheppard will produce their personnel and/or IA records in Response to Plaintiff's Request for Production of Documents. Since the materials referred to above are claimed as privileged but Plaintiff does not wish to delay production to argue this point, the production of the documents by the defendants and use of the documents by Plaintiff and her counsel will be agreed pursuant to the following terms, restrictions and conditions:

1. Information obtained by the plaintiff and her counsel from the documents and the documents themselves shall be used only for the purpose of prosecuting this action and only this action.

2. Absent a court order, Plaintiff and her counsel agree that the documents and the information obtained from the documents shall not be released to any other person, with the exception of an individual assisting counsel in preparation for or at the trial of this action or a person who is expressly retained by Plaintiff or her counsel for the purpose of testifying or giving opinions in this litigation.

3. Whenever a deposition involves the disclosure of CONFIDENTIAL information, as clearly identified at the time by defense counsel, the deposition or portions thereof shall be designated as CONFIDENTIAL and shall be subject to the provisions of this Protective Order. Such designation shall be made on the record during the deposition whenever possible, but a party may designate portions of depositions as CONFIDENTIAL after transcription, provided written notice of the designation is promptly given to all counsel of record within thirty (30) days after notice by the court reporter of the completion of the transcript.

4. The production of such documents or information by the parties shall not constitute a waiver of any privilege, or claim or confidentiality.

5. Within thirty (30) days after the conclusion of this litigation, unless other arrangements are agreed upon, each document and copies thereof produced from the personnel or IA files of the 3 specified Defendants shall be returned to the City. Moreover, copies of all deposition transcripts referring to the CONFIDENTIAL

documents shall be sealed by counsel and shall be subject to the terms and provisions of paragraph 2 above of this Protective Order.

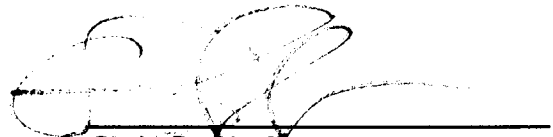
6. This Confidentiality Agreement survives this case for the purpose of enforcement.

Dated this 25th day of July, 2012.

BY THE COURT:

Protective Order Approved:

s/ Ron J. Robinson
Ron J. Robinson
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