

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

Civil Action No. 11-cv-03143-WJM-KMT

JTS CHOICE ENTERPRISES, INC.

Plaintiff,

v.

E.I. DU PONT DE NEMOURS AND COMPANY,
METRO PAINT SUPPLIES, INC., and
AUTOMOTIVE COATINGS & EQUIPMENT, LLC,

Defendants.

SECOND AMENDMENT TO STIPULATION AND PROTECTIVE ORDER

The Stipulation and Protective Order previously entered in this action (ECF Doc. 90, entered July 16, 2012), as amended (*see* ECF Doc. 207, entered April 24, 2013) is hereby FURTHER AMENDED with the addition of the following new paragraph 4(e):

- (e) Notwithstanding any other provision of this Stipulation and Protective Order, as amended, and notwithstanding any provision of the Protective Order Regarding Confidential NCS Information (Doc. 49, entered March 9, 2012):
 - (i) Any documents produced pursuant to subpoena directed to National Coatings & Supplies, Inc. by Defendants Metro Paint Supplies, Inc. and/or Automotive Coatings & Equipment, LLC, shall be deemed for all purposes under this Stipulation and Protective Order, as amended, as HIGHLY CONFIDENTIAL.

- (ii) Any party who objects to the designation of any such documents as HIGHLY CONFIDENTIAL shall follow the procedural provisions of paragraph 12 of this Stipulation and Protective Order, as amended.
- (iii) Defendants Metro Paint Supplies, Inc. and/or Automotive Coatings & Equipment, LLC shall reimburse National Coatings & Supplies, Inc., for the reasonable out-of-pocket costs incurred by National Coatings & Supplies, Inc., in producing the documents pursuant to subpoena. Those Defendants and National Coatings & Supplies, Inc. dispute whether the reasonable attorneys' fees incurred by National Coatings & Supplies, Inc. in such production should be reimbursed by Defendants. Any relief sought from the Court with regard to such incurrence of attorneys' fees shall be addressed, if at all, following production of the documents.

STIPULATED AND AGREED TO:

Dated this 9th day of May, 2013.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge

/S/Theodore W. Rosen

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