

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:12-cv-01444-MSK-MJW

ERICH AND SARAH TUCKER,
Plaintiffs,

v.

Janet L. Barnes,
Defendant

STIPULATED PROTECTIVE ORDER

The parties stipulate to the following:

1. The parties stipulate that the existing Protective Order entered by the Court on November 1, 2012 will be replaced by the Stipulated Protective Order pending the Court's approval.
2. The Stipulated Protective Order agreed to by the parties is set forth below in bold:

Protective Order

(a) Confidential medical 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 court reasonably requires a longer retention period.

(b) Confidential medical records retained by Defendant's liability carrier, State Farm Mutual Automobile Insurance Company, shall be destroyed at the earliest date that permits State Farm to comply with its retention obligations under applicable insurance regulations, including antifraud regulations; any evidentiary hold orders in connection with other litigation; statutory requirements, including applicable statutes of limitations; and State Farm's regular business practices for destruction of documents.

(c) While Plaintiff's confidential medical records are maintained by defense counsel or Defendant's liability carrier as set forth in (a) and (b) above, such records shall not be disclosed to any third parties unless such disclosure is permitted by Plaintiff's written authorization, subpoena, court order, insurance regulation or statute.

Nothing in this Order shall prohibit, restrict, or require an authorization for the retention, use, or disclosure of nonpublic medical information and records as

authorized or as reasonably 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)).

For this purpose, "confidential" medical records are non-public medical records created by health care providers, in which the Plaintiff has a reasonable expectation of privacy.

3. The defendant, Janet Barnes further agrees and stipulates, solely for the purpose of the Tucker v. Barnes case, Civil Action No. 1:12-cv-01444-MSK-MJW, that she is the sole cause of the June 7, 2009 motor vehicle accident., as more fully set forth in a separate Stipulation, which is executed contemporaneously and incorporated in this agreement.

4. The parties also stipulates that the plaintiff will not execute on any judgement against the defendant, Janet Barnes in excess of applicable limits of coverage under State Farm Mutual Automobile Insurance Company policy 0079-678-06 and excess coverage pursuant to Umbrella Policy No. 86ES16965, inclusive of interest.

THE PATRICK LAW FIRM, LLC

BY:


/s/Michael A. Patrick, 13647

And

Stuart S. Jorgensen & Associates

BY:


/s/Thomas M. Henson, 17837

Done this 18th day of January 2013.

BY THE COURT

s/ Michael J. Watanabe
Michael J. Watanabe
U.S. Magistrate Judge