

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF COLORADO

Civil Action No. 13CV00513-KLM

MARY E. SPENDRUP, INDIVIDUALLY AND ON BEHALF OF HER HUSBAND  
QUENTIN O. SPENDRUP, DECEASED  
Plaintiff

v.

AMERICAN FAMILY MUTUAL INSURANCE COMPANY, A WISCONSIN  
CORPORATION  
Defendant

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**STIPULATED PROTECTIVE ORDER**

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The Parties, by and through their respective counsel, stipulate and agree to the entry of the following protective order and move the Court to approve and order the protection sought herein as follows:

Defendant requests an order protecting the confidentiality of certain documents identified in Defendant's responses to the requests for production of documents of Plaintiff. Defendant agrees that the documents may be used in this litigation but assert that they contain proprietary, confidential, completely sensitive and/or trade secret information. Defendant has requested that this Court enter an order to protect the confidentiality of documents.

Rule 26(c) F. R. C. P. provides that upon motion by a party and for good cause shown a court may make any order which justice requires to protect a party. When determining whether good cause exists for issuance of a protective order in a particular case, the trial court must balance the competing interests that would be served by

granting or denying discovery, including a party's need for the information against the injury which might result from unrestricted disclosure. Here, the interests of both parties can be served by issuing a protective order to protect the confidentiality of the documents while at the same time allowing the Plaintiff access to the documents for use in this litigation.

THE COURT HEREBY ORDERS:

That the Stipulated Motion for Protective Order is granted. Defendant is ordered to mark the documents as confidential prior to production to Plaintiff.

It is further ordered that this protective order will cover all other internal documents produced by Defendant that Defendant asserts contain proprietary, confidential, competitively sensitive and/or trade secret information. All such documents designated by Defendant as confidential documents will be covered by this protective order. If Plaintiff objects to Defendant's designation of documents as confidential, Plaintiff will abide by this protective order, but can <sup>make</sup> file a motion in this case <sup>pursuant to NJ Mix's discovery procedures</sup> challenging the confidentiality of the designated documents and may request that the Court except the challenged documents from the Protective Order.

THE COURT FURTHER ORDERS:

1. That Plaintiff and her attorney protect the documents from disclosure, dissemination and publication to anyone except the attorneys of record in this case, and

such personnel and staff of counsel, including Plaintiff's insurance claims expert as is necessary for the conduct of this case only;

2. That the documents may not be used for any purpose whatsoever, except for pre-trial preparation and trial of this case and only this case;

3. That no copies, duplications or reproductions of the documents shall be provided to Plaintiff's insurance claims expert without first obtaining a signed Agreement of Confidentiality (Appendix A) from such person, agreeing to hold all such materials in confidence and agreeing to the terms and conditions set forth in this Protective Order;

4. That no copies, duplications or reproductions of the documents may be part of the public record of this case, whether in evidence or otherwise, although this Order does not prohibit use of the documents as evidence in the trial of this case. If any document, material or other information designated herein is used in testimony, discovery responses, or evidence, or is quoted in any brief, deposition, transcript or other paper filed in this case, such materials and papers shall be tendered to the court for filing under seal and if sealed, sealing shall continue so as to prevent disclosure at the conclusion of the trial and any discovery response and deposition will be deemed confidential and will be covered under this Protective Order;

5. That all copies of the documents covered by this Protective Order shall be returned to American Family's counsel, Lewis Brisbois Bisgaard & Smith, LLP, within 30 days of the conclusion of this case;

6. That this Protective Order survives this case for the purpose of enforcement; and


7. That this Protective Order may be modified by the Court at any time for good cause shown following notice to all parties and an opportunity for them to be heard.

Respectfully submitted this 11<sup>th</sup> day of December, 2013.


LEWIS BRISBOIS BISGAARD & SMITH, LLP.

PETERS & NOLAN, LLC

*For*  
  
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SO ORDERED this 12<sup>th</sup> day of December, 2013 by:

  
Magistrate Mix

**KRISTEN L. MIX  
U.S. MAGISTRATE JUDGE  
DISTRICT OF COLORADO**

Appendix A

Spendrup v. American Family Mutual Insurance Company  
United States District Court for the District of Colorado  
Case Number: 13-CV-00513-KLM

**AGREEMENT OF CONFIDENTIALITY**

1. My full name is: \_\_\_\_\_
2. My address is: \_\_\_\_\_
3. My present employer is: \_\_\_\_\_
4. My present occupation or job description is: \_\_\_\_\_
5. I have received a copy of the Protective Order entered in this case. I have carefully read and understand the provisions of the Protective Order. I will comply with all of the provisions of the Protective Order.
6. I will not disclose any documents covered by the Protective Order except to the attorneys of record in this case and their staff. I will use any such information only with respect to this case.
7. I will return all documents covered by the Protective Order that come into my possession and all documents or things which I have prepared which contain reference to such information to any attorney representing the party that has employed or retained me at the conclusion of this case.
8. I submit to the jurisdiction of this Court for the purposes of enforcement of the Protective Order.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2013

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