

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-02566-CMA-MJW

TRAVIS J. SIMMONS,

Plaintiff,

v.

BRYCE HINTON, Individually,
SCOTT BIRD, Individually, and
LAKE COUNTY SHERIFF RODNEY FENSKE, in his Official Capacity, and Individually,

Defendants.

STIPULATED PROTECTIVE ORDER (Pocket No 40-1)

The parties, by their attorneys of record, stipulate and agree to the entry of the following protective order:

1. This protective order provides for confidentiality with respect to employment files that the defense will produce in this case.

2. In order to identify records covered by this order, defense counsel will label or mark them as "Confidential" and "Subject to Protective Order."

3. The records covered by this order and information contained in them shall be used only and solely in the above-captioned litigation, and for no other purpose.

4. Any testimony desired by either party concerning the records and information covered by this order shall be placed on a confidential record which shall be separated from the rest of the transcript, ~~sealed, and~~ marked as confidential within the transcript and also on the exterior seal.

And Restricted Access may be sought by
Either party consistent with D.C. Colo. L.C.R. 7.2.

MJM
4-18-14

5. Plaintiff's counsel may not share the confidential records or information contained in the confidential records with anyone outside of his firm unless:
- a. The purpose relates to the person's service as a disclosed expert in this lawsuit; and
 - b. The person first signs an acknowledgment of having read this order, agreeing to be bound, and submitting to the jurisdiction of the court for purposes of enforcement.
6. Plaintiff's counsel shall retain all acknowledgments required above for two years after the litigation is concluded to be available for production to this court or any other court having proper jurisdiction.
7. If confidential records are proposed to be used at trial, plaintiff's counsel will notify defense counsel by 10 days before the deadline for the parties to submit a stipulated pretrial order. The attorneys will confer in an effort to reach agreement on the handling of such records at trial. If agreement is not reached, either party may seek a ruling.
8. By no later than 10 days after the case concludes, whether by settlement or judgment, plaintiff's counsel and any expert with whom plaintiff's counsel has shared records covered by this order, shall destroy them and delete any copies they or staff members copied to or saved in any computers.

DONE AND SIGNED this 14TH day of April, 2014.

BY THE COURT:



MICHAEL J. WATANABE
United States Magistrate Judge

Respectfully submitted,

By: /s/ Wm. Alex Marsh
David A. Helmer #4189
Natalie J. French #35994
William Alexander Marsh #43964
John F. Crone #42289

Attorneys for Plaintiff

By: /s/ Leslie L. Schluter / Kurt A. Kropp
Leslie L. Schluter, #12594
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SCHLUTER & ASSOCIATES, P.C.

Attorneys for Defendants