

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No. 13-cv-03206-WJM-KMT

CREW TILE DISTRIBUTION, INC.,

Plaintiff,

v.

PORCELANOSA LOS ANGELES, INC.,
PORCELANOSA NEW YORK, INC.,
PORCELANOSA TEXAS, INC., and
PROVEN, LTD., all d/b/a PORCELANOSA USA,

Defendants.

MINUTE ORDER

ORDER ENTERED BY MAGISTRATE JUDGE KATHLEEN M. TAFOYA

“Defendants’ Unopposed Motion to Amend Protective Order” (Doc. No. 108, filed Mar. 19, 2015) is GRANTED. The Stipulated Protective Order (Doc. No. 42) is amended to add the following Attorneys’ Eyes Only Provision:

31. In addition to the foregoing protective measures for Confidential Information, certain Confidential Information as the term is defined in this Protective Order, may be designated as “Attorneys Eyes Only” material. A party may designate Confidential Material as “Attorneys Eyes Only,” if such Confidential Material contains particularly sensitive confidential information that the producing party believes in good faith cannot be disclosed without threat of competitive injury, because such Confidential Material contains proprietary or commercially sensitive information. Such Confidential Material shall be identified on disclosure of such Confidential Material by including on each page the legend “Attorneys Eyes Only.”

32. The parties agree that the “Attorneys Eyes Only” designation shall be used as sparingly as possible in the Lawsuit. Any document, material, or information designated by a party as “Attorneys Eyes Only” must be reviewed by an attorney. The designation of any document, material, or information as “Attorneys Eyes Only,” in the manner described above, shall constitute a certification by the attorney reviewing the material and

making such designation that he or she in good faith believes the material deserves this heightened level of protection under Fed. R. Civ. P. 26(c)(7), above and beyond being merely Confidential Information.

33. Access to and disclosure of “Attorneys Eyes Only” Confidential Information, marked and identified in accordance with this Protective Order, shall be limited solely to the Court, its officers and its clerical staff and to Authorized Personnel. Authorized Personnel are: (a) Independent outside counsel of record for the parties to this Lawsuit, which includes paralegal, secretarial, and clerical personnel reasonably necessary to assist such counsel; (b) Experts and consultants and their staff who are retained by an attorney to assist in this action, but (i) only to the extent reasonably necessary to perform such work and (ii) the disclosing attorney must have a good faith belief that disclosure of such documents to the expert or consultant is necessary for the expert’s or consultant’s review of the issues in this Lawsuit; (c) Employees of outside vendors providing copy services and exhibit preparation services in connection with the Lawsuit; (d) Stenographic reporters and videographers engaged for depositions or proceedings necessary to this Lawsuit; (e) Third-party mediators expressly selected by both the parties; (f) Any person who has been identified in writing by the designating party as having been provided with the document or information designated as “Attorneys Eyes Only” Confidential Information; and (g) Such other persons as hereafter may be designated by written stipulation of the parties, filed with the Clerk of the Court, or by further Order of the Court.

Dated: March 19, 2015