

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

Case No.: 14-cv-01279-MSK-KLM

REYNOLDS POLYMER TECHNOLOGY, INC,

Plaintiffs,

v.

DAVID G. DUFF, and

ADVANCED AQUARIUM TECHNOLOGIES PTY LTD.

Defendants.

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**PROTECTIVE ORDER**

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Pursuant to the Joint Motion for Protective Order filed by the parties, the Court hereby Orders as follows:

1. This Protective Order shall apply to all documents, materials, and information, including without limitation, documents produced, answers to interrogatories, responses to requests for admission, deposition testimony, and other information disclosed in this civil action pursuant to the disclosure or discovery duties created by the Federal Rules of Civil Procedure.

2. As used in this Protective Order, "document" is defined as provided by Fed. R. Civ. P. 34(a). A draft or non-identical copy is a separate document within the meaning of this term.

3. This agreement does not constitute a global waiver by any party as to whether any confidential or privileged information is discoverable, but rather, is a mechanism by which confidential information that is disclosed is prevented



from being used for any purpose outside this litigation by any party.

4. One who provides, serves, discloses or files any nonpublic documents or information in connection with this civil action, and who in good faith believes such documents or information contains nonpublic personal, personnel, employment, private, medical, or other information implicating privacy interests, proprietary interests or safety and security concerns of either the Plaintiff and/or Defendant, may designate such documents or information as "Confidential." The documents or information so designated shall be deemed "Confidential Information" subject to this Protective Order.

5. One who provides, serves, discloses or files any nonpublic documents or information in connection with this civil action, and who in good faith believes such documents or information contains purely personal information of any person that is unrelated to the litigation, or nonpublic proprietary information, including, by way of example, proprietary chemical formulae, of either the Plaintiff, Defendant, or any related entity, whose disclosure, on its own, could cause significant financial or competitive losses may designate such documents or information as "Confidential – EYES ONLY" The documents or information so designated shall be deemed "EYES ONLY" subject to this Protective Order.

6. Confidential Information shall be subject to the following restrictions. Confidential Information shall be used only for the limited purpose of preparing for and conducting this civil action (including any appeals), but not including any future state court action regardless of its relation to this action, and



not for any other purpose whatsoever, and shall not, without the consent of the party producing it or further Order of the Court, be disclosed in any way to anyone except those specified in this paragraph:

- (a) attorneys actively working on this case;
- (b) persons regularly employed or associated with the attorneys actively working on the case whose assistance is required by said attorneys in the preparation for trial, or at other proceedings in this case;
- (c) Defendant Duff and a two designated representatives<sup>1</sup> each of Plaintiff and Defendant corporations who execute the attached Exhibit A.;
- (d) expert witnesses and consultants retained in connection with this proceeding, to the extent such disclosure is necessary for preparation, trial or other proceedings in this case;
- (e) the Court and its employees ("Court Personnel");
- (f) stenographic reporters who are engaged in proceedings necessarily incident to the conduct of this action;
- (g) deponents, witnesses, or potential witnesses who execute the attached Exhibit A (hereinafter "Non-Party Witness"), and subject to the restrictions in Paragraph 9 below;
- (h) and other persons by written agreement of the parties who execute the attached Exhibit A.

7. Eyes Only Information shall be subject to the following restrictions. Eyes Only Information shall be used only for the limited purpose of preparing for and conducting this civil action (including any appeals), and not for any other purpose whatsoever, and shall not, without the consent of the party producing it or further Order of the Court, be disclosed in any way to anyone except those specified in this paragraph:

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<sup>1</sup> The identity of these designated representatives shall be disclosed to all other parties within fourteen (14) days following the entry of this Protective Order by the Court.