

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

Civil Action No. 14-cv-02624-MEH

ELECTRONIC PAYMENT SYSTEMS, LLC,

Plaintiff,

v.

ELECTRONIC PAYMENT SOLUTIONS OF AMERICA, INC.,
JAY WIGDORE,
MICHAEL ABDELMESSH, a/k/a Michael Stewart,
FIRST PAY SYSTEMS LLC,
RICHARD KUHLMANN,
FIRST PAY SOLUTIONS, LLC,
FIRST DATA CORPORATION, and
WELLS FARGO BANK N.A.,

Defendants.

**STIPULATED ORDER REGARDING CONFIDENTIALITY OF CERTAIN
DISCOVERY MATERIAL PROVIDED IN RESPONSE TO PLAINTIFF'S LIMITED
DISCOVERY REQUESTS TO DEFENDANT FIRST PAY SOLUTIONS, LLC**

Whereas, the parties have stipulated that certain discovery material (“the Material”) provided in response to Plaintiff, Electronic Payment Systems, LLC’s (“Plaintiff”) Limited Discovery Requests to Defendant First Pay Solutions, LLC, (“First Pay Solutions”) be treated as Attorney Eyes Only (“AEO”) and that certain provisions of FED. R. EVID. 502 be incorporated in an order;

Accordingly, it is this ORDERED:

1. Designation of Material as Attorney Eyes Only. This Order shall apply only to the portions of First Pay Solutions’ Answers to Plaintiff’s Limited Discovery Requests Interrogatories Nos. 2 and 3 that First Pay Solutions has designated as AEO. Specifically, the

only portion of the Answers that First Pay Solutions has designated as AEO is the identification of Merchants, as that term is defined in Plaintiff's Limited Discovery Requests, which are currently doing business with First Pay Solutions.

2. The AEO Material may only be viewed by counsel of record (and staff employees at their respective firms, strictly as necessary) and in-house counsel of Defendants Wells Fargo Bank, N.A. and First Data Corporation (and staff/employees strictly as necessary) and may not be disclosed to any third persons unless the document or information was known to the proposed recipient before the litigation. The AEO Material shall not be filed with the Court unless restricted/sealed, nor shall the contents of which be disclosed in unrestricted/unsealed pleadings or open court proceedings. If counsel intends to make any such disclosure, counsel shall notify counsel for First Pay Solutions in writing 10 days, or as soon as practicable, before the disclosure is planned to take place.

3. AEO Information Filed with Court. To the extent that any materials subject to this Confidentiality Order (or any pleading, motion or memorandum disclosing them) are proposed to be filed or are filed with the Court, those materials and papers, or any portion thereof which discloses confidential information, shall be governed by the Local Rules of this Court.

4. Return of AEO Material at Conclusion of Litigation. At the conclusion of the litigation, the AEO Material that is the subject of this order shall be returned to the originating party or may be destroyed instead of being returned.

5. The protection of the AEO Material continues during and beyond the conclusion of this matter; however, nothing in this order shall be construed to assert the jurisdiction of this Court in this case once the case is closed.

6. This agreement does not limit a decision to later determine that certain documents and information about that had been identified as confidential do not have to continue to be treated as confidential.

IT IS SO ORDERED.

Dated at Denver, Colorado this 23rd day of February, 2015.

BY THE COURT:



Michael E. Hegarty
United States Magistrate Judge

Respectfully submitted,

/s/ Ruth Ann Azeredo

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