

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

Civil Action No. 14-cv-03016 -KLM

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DiAnna Steele,

Plaintiff,

v.

Colorado Springs Early Colleges,  
Keith King in his individual capacity, and  
*Jason Dilger in his individual capacity,*

Defendants.

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**STIPULATED PROTECTIVE ORDER**

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Plaintiff DiAnna Steele and Defendants Colorado Springs Early Colleges, Keith King, and Jason Dilger ("Defendants") (collectively, the "Parties"), believe that certain information that may be sought in discovery in this litigation constitutes confidential information.

The parties recognize that in employment discrimination litigation it is common and necessary for personnel records of third party comparators to be sought to prove disparate treatment. The parties recognize the duty of parties to use such information only for purposes of the litigation. The parties also recognize that Confidentiality "does

not constitute grounds to withhold information from discovery." *Sithon Maritime Co. v. Holiday Mansion*, 1998 U.S. Dist. LEXIS 5432, at 28, (D. Kan.1998). An assertion of confidentiality is not an assertion of a privilege. *Federal Open Mkt. Committee v. Merrill*, 443 U.S. 340, 362 (1979).

To protect the confidentiality of all information which is confidential within the meaning of Fed. R. Civ. P. 26(c)(1)(G), including personnel records of third parties, provisions of this Protective Order shall apply.

IT IS HEREBY ORDERED THAT:

1. "Confidential Information" is any information, documents, testimony, or other discovery materials that contains, reflects, or reveals information that the designating Party believes in good faith is confidential personal, medical or financial information or a trade secret or other confidential research, development, or commercial information entitled to protection under Fed. R. Civ. P. 26(c)(1)(G). Any information to be designated by a Party as "Confidential Information" must first be reviewed by a lawyer and be determined to be subject to protection as confidential personal, medical or financial information or confidential under Fed. R. Civ. P. 26(c)(1)(G) or other federal or state confidentiality protection before being marked "Confidential Information." Such confidential information may include, but is not limited to, medical records, non-public business information, personnel information, including personnel records of third parties, financial statements, or technical information.

2. Any Party may designate as "Confidential" any "Confidential Information" that the producing Party reasonably believes might, if disclosed have a serious or