

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

|                                     |   |                           |
|-------------------------------------|---|---------------------------|
| _____                               | ) |                           |
| STEPHANIE BIEDIGER, <i>et al.</i> , | ) |                           |
| individually and on behalf of all   | ) |                           |
| those similarly situated; and       | ) | Case No. 3:09-CV-621(SRU) |
| ROBIN LAMOTT SPARKS, individually,  | ) |                           |
|                                     | ) |                           |
| v.                                  | ) |                           |
|                                     | ) |                           |
| QUINNIPIAC UNIVERSITY               | ) | May 25, 2010              |
| _____                               | ) |                           |

**STIPULATED PROTECTIVE ORDER**

The parties to this case recognize that information disclosed in the course of discovery by plaintiffs and defendant may include personal information of the named plaintiffs, members of the class, students at Quinnipiac University, and/or prospective witnesses which is protected by the Family Educational Rights and Privacy Act (“FERPA”) or which one or more of the parties believes should be kept confidential, and/or may include nonpublic information of students and/or employees of the University. In order to facilitate the efficient conduct of discovery, but without waiver of any rights or claims with respect to the confidentiality of such information or other grounds of objection to any discovery requests, the parties, by their respective attorneys, agree and stipulate and the Court orders that FERPA protected information that is necessary for this litigation shall be produced and such information as well as other confidential information shall be treated as follows:

1. Any document and/or electronically stored information disclosed in the course of this litigation may, in good faith, be designated “Confidential” by the disclosing

party. Such designation may be made at the time or within a reasonable time after the information is disclosed. Such designation shall be made by stamping the document "CONFIDENTIAL" or by any other means reasonably calculated to apprise the receiving party of the designation. Information designated Confidential shall not be shown, disclosed, or communicated by the receiving party or counsel in any way to anyone other than persons involved in the litigation as (a) parties, (b) attorneys for parties, including in-house counsel, and their paralegals, clerks, and secretarial employees, as needed, (c) on a need to know basis, employees of parties or their attorneys, (d) witnesses in this action if review of such information is pertinent to their testimony; or (e) consultants or experts retained expressly for this action. To the extent Confidential information disclosed by a party is shown to, or its contents are discussed with, any of the persons designated in (c), (d) or (e) above, each such person shall be given a copy of this Order, and shall sign a statement stating that s/he has read this Order, understands it, and agrees to be bound by it.

2. In connection with any deposition taken in this action:

(a) During the course of any deposition, counsel for any party may designate the subject matter of questions and testimony as Confidential. Upon a Confidential designation, any person not permitted under paragraph 1 above to have access to Confidential information shall leave the deposition room. When testimony concerning any matter designated Confidential is concluded, all such persons may re-enter the deposition room. The designation of any portion of a deposition as Confidential shall not affect the admissibility of testimony.

(b) The officer reporting any deposition shall indicate on the transcript what portions of the deposition have been designated Confidential and shall bind such portions separately if any party so requests.

(c) The parties will not file with the Court any portions of any deposition transcripts that have been designated Confidential except in accordance with this Order.

(d) After a deposition has been transcribed, any party may designate any portion of the transcript as Confidential, and such portion shall thereafter be treated as Confidential under the terms of this Protective Order.

3. Answers to interrogatories and/or answers to requests for admissions may be designated as Confidential for purposes of this Order.

4. A party shall not be obligated to challenge the propriety of a designation of any information as Confidential at the time such designation is made, and a failure to do so shall not preclude a later challenge thereto. In the event that any party disagrees at any stage of the proceedings with the designation by a disclosing party of any information as Confidential, the parties shall first try in good faith to resolve the dispute informally. If the dispute cannot be resolved, the objecting party may file with the Court a written motion to remove the designation. If necessary to avoid public disclosure of the putatively Confidential information, the moving party shall seek an order to file under seal pursuant to D.Conn.L.Civ.R. 5(e)4. The designating party shall file its response within 1 calendar week of service of the motion, and failure to do so shall operate to remove the Confidential designation from the subject information. If the designating party timely responds to a motion to remove the designation from certain information, the parties shall continue to treat the information in accordance with the designation

unless and until the Court grants the motion, at which point the information may be treated as though it had never received the challenged designation, unless the Court's order requires other treatment.

5. In the event a party wishes to use any Confidential information in any affidavits, briefs, memoranda of law, or other paper filed in court in this litigation, the party shall file on the public record a redacted version of such pleading or other paper that omits the designated information, and shall move for permission to file under seal an unredacted version of such pleading or other paper, in accordance with D.Conn.L.Civ.R. 5(e)(4).

6. Nothing shall be designated as Confidential except information that is genuinely private or personal to the disclosing party or, in the case of Quinnipiac University to one of its students or employees, and/or that is protected by FERPA. Examples of information that could properly be designated Confidential include psychological and medical records, personal financial information, and student records. Information shall not be designated as Confidential, and/or shall not continue to be treated as Confidential, if:

- (a) it is in the public domain at the time of disclosure;
- (b) it becomes part of the public domain through no fault of the receiving party;
- (c) the receiving party can show that the information was already in its rightful and lawful possession at the time of disclosure, but such information may be designated as Confidential if the receiving party initially obtained the information under an expectation that it would maintain the confidentiality of such information; or

(d) the receiving party lawfully receives the information at a later date from a third party without restrictions on its further disclosure, provided that the third party had the right to make the disclosure to the receiving party.

7. At the conclusion of this litigation, all information designated Confidential disclosed in the course of the litigation (and all copies thereof) shall be returned promptly to the attorney for the party that disclosed the information, or shall be destroyed promptly by the persons having possession, custody or control of it, except that counsel for the parties may maintain one copy of any such information in their files for record-keeping purposes.

8. All Information designated Confidential shall be maintained in a secure manner, with all reasonable measures being taken by the party with custody of such information to ensure its confidentiality in accordance with the terms of this Order.

9. The parties shall jointly seek the Court's approval of this Stipulated Protective Order, and when it is approved it shall have the force of a Protective Order pursuant to Federal Rule of Civil Procedure 26(c). Pending such approval the parties and their counsel agree to be bound by this Stipulated Protective Order as if it had been approved and entered by the Court. All persons governed by this Stipulated Order shall, by receiving or reviewing any information designated as Confidential hereunder, agree to the Court's jurisdiction over their persons for the purpose of any proceeding to enforce the terms of this Stipulated Order or punish its violation.

10. This Stipulated Protective Order may be modified only by either: (a) a written agreement of the parties which is approved by the Court; or (b) the Court upon motion.

Dated: May 25, 2010

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Dated: May 25, 2010

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*Attorneys For Defendants*

**ORDER**

Good Cause Appearing, IT IS SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Stefan R. Underhill, U.S.D.J.