

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

VICKY KULIKOV,

Plaintiff,

v.

EXPERIAN INFORMATION
SOLUTIONS, INC. and EQUIFAX
INFORMATION SERVICES, LLC,

Defendants.

Case No. 16-2555-JAR

AMENDMENT TO STIPULATED PROTECTIVE ORDER

The parties previously agreed that during the course of discovery it might be necessary to disclose certain confidential information relating to the subject matter of this action and agreed that certain categories of such information should be treated as confidential, protected from disclosure outside this litigation, and used only for purposes of prosecuting or defending this action and any appeals. The parties jointly requested entry of a protective order to limit the disclosure, dissemination, and use of certain confidential information, and the Court granted the parties' request and entered the Stipulated Protective Order on October 31, 2016 (ECF No. 20).

The parties now agree that it may become necessary to disclose certain information that the producing party believes contains such highly sensitive trade secrets or other highly sensitive competitive or confidential information that there is a substantial risk of identifiable harm to the producing party if the information is disclosed to all other parties to this action. The parties thus seek to amend the existing Stipulated Protective Order to add a "Confidential – Plaintiff's Attorneys' Eyes Only Information" protective designation to be used in the rare instances described above.

For good cause shown under Fed. R. Civ. P. 26(c), the Court grants the parties' request and hereby amends the Consent Protective Order entered on October 31, 2016 to include the following:

19. Designation of “Confidential – Plaintiff’s Attorneys’ Eyes Only Information.” If a party or non-party producing documents in this action believes in good faith that, despite the provisions of the Stipulated Protective Order, there is a substantial risk of identifiable harm to the producing party if particular documents it designates as “Confidential” are disclosed to all other parties or non-parties to this action, the producing party may designate those particular documents as “Confidential – Plaintiff’s Attorneys’ Eyes Only Information.”

20. Who May View Confidential – Plaintiff’s Attorneys’ Eyes Only Information. Except with the prior written consent of the entity designating a document or portions of a document designated as “Confidential – Plaintiff’s Attorneys’ Eyes Only Information,” or pursuant to prior Order after notice, any document, transcript or pleading given “Confidential – Plaintiff’s Attorneys’ Eyes Only Information” treatment under this Order, and any information contained in, or derived from any such materials (including but not limited to, all deposition testimony that refers to, reflects or otherwise discusses any information designated “Confidential – Plaintiff’s Attorneys’ Eyes Only Information” hereunder) may not be disclosed other than in accordance with this Order and may not be disclosed to any person other than:

- (1) Plaintiff’s counsel of record in this action, as well as employees of said counsel to whom it is reasonably necessary to disclose the information for this litigation and who have signed the Attachment A, Acknowledgement and Agreement to be Bound.
- (2) Experts specifically retained as consultants or expert witnesses for Plaintiff in connection with this litigation who have signed the Attachment A, Acknowledgement and Agreement to be Bound;
- (3) The Court and its personnel;

- (4) Court reporters, their staffs, and professional vendors to whom disclosure is reasonably necessary for this litigation and who have signed the Attachment A, Acknowledgement and Agreement to be Bound;
- (5) The Plaintiff, Vicky Kulikov, except that Ms. Kulikov may not retain a copy of any documents designated “Confidential – Plaintiff’s Attorneys’ Eyes Only Information”; and
- (6) The author of the document or the original source of the information.

In addition, the Court hereby amends the Consent Protective Order entered on October 31, 2016, by explicitly stating that the definition of “Confidential Information” as used in the Consent Protective Order includes information designated as “Confidential – Plaintiff’s Attorneys’ Eyes Only Information” except that the heightened protections of paragraph 20 above shall apply to information designated as “Confidential – Plaintiff’s Attorneys’ Eyes Only Information” in place of the protections of paragraph 6(b) of the Consent Protective Order.

Finally, paragraphs 3 and 5 of the Consent Protective Order are amended to include the ability to mark documents and portions of depositions as “Confidential – Plaintiff’s Attorneys’ Eyes Only Information.”

IT IS SO ORDERED

Dated: January 18, 2017

s/ James P. O’Hara
James P. O’Hara
U.S. Magistrate Judge

Respectfully submitted,

/s/ Danne W. Webb

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