Clair et al v. King Doc. 40

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Case No.: 6:11-cv-01170-JWL-JPO

JERRY AND ELLEN CLAIR,

v.

Plaintiffs,

RODNEY KING d/b/a King Oil Operation

d/b/a King Oil Operations,

Defendant.

STIPULATED PROTECTIVE ORDER

NOW, on this 19<sup>th</sup> day of March, 2012, the Court hereby enters a protective order pursuant to Fed. R. Civ. P. 26(c). This case presents a claim of securities fraud which may lead

to discovery of Plaintiffs' financial records and bank statements which are ordinarily deemed

confidential. For good cause shown, the Court orders that any such documents produced or

disclosed during this litigation shall be used only for purposes of this lawsuit.

THE COURT FURTHER ORDERS:

1. Access to said financial records and bank statements designated by the producing party

as "confidential documents" with a stamp of "confidential" shall be limited to the parties, their

counsel, clerical and staff persons employed by counsel, expert witnesses, and the Court.

2. Use of such records shall be restricted to pretrial (e.g., depositions, summary judgment

motions), trial, and appellate proceedings in this case.

3. In the event any party to this action disagrees with the designation of any information

as confidential, the party challenging the propriety of a confidentiality designation must notify

the other party of its challenge in writing within 30 days of receipt of the confidential materials.

Failure by either party to object to the confidentiality designation within the time prescribed will

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serve as a waiver of any subsequent objection. Within 14 days after receipt of the objection, the

party asserting confidentiality of the information will respond and state its position in writing.

The parties shall first try to dispose of such dispute in good faith on an informal basis. If the

dispute cannot be resolved informally, the party seeking confidentiality of the information may

apply for appropriate relief from this Court. The Court shall be permitted to conduct an in

camera inspection of the confidential materials. The party seeking confidentiality of the

information shall have the burden of establishing that the information is entitled to confidential

treatment.

4. Confidential documents may only be filed under seal upon separate, specific motion

and later order of the Court. Notwithstanding the above, the parties may agree to file

"Confidential" documents upon agreed-upon redactions and/or the parties may agree in writing

to forego filing under seal altogether upon specified terms and conditions agreed to by the

parties.

5. Within thirty (30) days after the conclusion of this litigation, all copies of the

confidential documents produced under this Protective Order shall either be destroyed or

returned to producing counsel.

6. The Court's jurisdiction to enforce this order terminates upon final disposition of the

case. The parties may seek leave to reopen the case to enforce provisions of this order.

IT IS SO ORDERED.

/s James P. O'Hara

JAMES P. O'HARA

UNITED STATES MAGISTRATE JUDGE

## APPROVED:

## WITHERS, GOUGH, PIKE, PFAFF & PETERSON, LLC

## /s Sean McGivern

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