

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN

MICAH FIALKA-FELDMAN

Case Number 08-CV-14922

Plaintiff,

Hon. Patrick J. Duggan

v.

OAKLAND UNIVERSITY BOARD  
OF TRUSTEES, GARY D. RUSSI, MARY BETH  
SNYDER, and LIONEL MATEN, in their  
official capacity,

Defendants.

---

Michigan Protection & Advocacy Service, Inc.  
Chris E. Davis (P52159)  
29200 Vassar Blvd., Suite 200  
Livonia, MI 48152  
Phone: (248) 473-2990  
Attorney for Plaintiff  
Email: [cdavis@mpas.org](mailto:cdavis@mpas.org)

Butzel Long  
By: Robert A. Boonin (P38172)  
350 S. Main Street, Suite 300  
Ann Arbor, MI 48104  
(734) 995-3110  
Attorneys for Defendant  
[boonin@butzel.com](mailto:boonin@butzel.com)

**STIPULATED PROTECTIVE ORDER**

This matter having come before the Court upon written stipulation of the parties  
and the Court being fully advised in the premises;

IT IS HEREBY ORDERED:

1. When used in this Order, the word “records” shall be defined as any and all medical, Berkley educational, and mental health records received by Defendant through Subpoena and/or produced by Plaintiff regarding Micah Fialka-Feldman.
2. Such records, as defined in Paragraph 1 above, shall be used solely for the prosecution or defense of this lawsuit.
3. All such records may be disclosed only to the following persons:

- a. the attorneys of record for the parties;
  - b. the members or employees of the law firms of the attorneys of record who are involved with the prosecution or defense of the litigation;
  - c. the current and former parties to this litigation;
  - d. Plaintiff's parents;
  - e. the Court and its employees;
  - f. any arbitrator, mediator or other alternative dispute resolution facilitator in front of whom the parties agree to appear or are ordered to appear; and
  - g. any experts who are employed or retained by counsel for assistance in this litigation.
4. Nothing in this Protective Order shall prohibit a party from showing a deposition or trial witness any document subject to this Order.
  5. Subject to the rules of evidence, the records subject to this Order may be offered in evidence at trial.
  6. The records subject to this Order, and any information therein, do not lose their protected status if used in any court proceeding in the lawsuit. As such, the parties shall take all steps reasonable and necessary to protect the confidentiality of the records subject to this Order and the information during such use.
  7. This Order shall not be construed to waive any objections, privileges or defenses available to the parties of this lawsuit with respect to any medical, educational and/or mental health records subject to this Order.
  8. Counsel of record for the parties agree that within sixty days (60) after the final disposition of this lawsuit, including any and all appeals, that all records

subject to this Order, including all copies, shall be returned to plaintiff's attorney or be destroyed. This includes any copies of medical, educational and/or mental health records provided to the parties, the parties' representatives, the parties' insurers and experts retained for the purpose of assisting in the prosecution or defense of this lawsuit.

9. Nothing in this Protective Order shall preclude any party from seeking to amend or modify this Order, if necessary.
10. The Court retains jurisdiction to make such amendments, modifications and additions to this Order as the Court may from time to time deem appropriate.

s/Patrick J. Duggan  
Patrick J. Duggan  
United States District Judge

DATED: October 9, 2009

APPROVED AS TO FORM AND CONTENT.

MICHIGAN PROTECTION & ADVOCACY SERVICE  
s/Chris E. Davis  
Attorney for Plaintiff  
29200 Vassar Blvd., Suite 200  
Livonia, MI 48152  
(248) 473-2990  
[cdavis@mpas.org](mailto:cdavis@mpas.org)  
P52159

BUTZEL LONG  
s/with consent of Robert A. Boonin  
Attorney for Defendant  
350 S. Main Street, Suite 300  
Ann Arbor, MI 48104  
(734) 995-3110  
[boonin@butzel.com](mailto:boonin@butzel.com)  
P38172