

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JENNIFER MOOREHEAD, as Personal
Representative of the Estate of
GARY MOOREHEAD, Deceased,

Plaintiff,

v.

Case No: 2:10-cv-10333

COUNTY OF LENAWEE, a Municipal Corporation,
HEALTH PROFESSIONALS, LTD., a foreign
corporation, SHERIFF JACK WELSH, in his individual
and official capacity, UNDERSHERIFF JAMES
ANDERSON, in his individual and official capacity,
JAIL COMMANDER DENNIS STEENROD, in his
individual and official capacity, TONI PENCE, in his
individual and official capacity, SGT. MARY LOUISE
NEILL, in her individual and official capacity, WENDY
VANDERPOOL, in her individual and official
capacity, DOUG LUCEY, in his individual and official
capacity,

Defendants.

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PROTECTIVE ORDER FOR PRODUCTION OF TANGIBLE THINGS

THIS MATTER HAVING been presented upon Stipulation of the parties and the court having considered the pleadings and records filed in this case;

IT IS HEREBY ORDERED AS FOLLOWS:

1. Defendant Lenawee consent to the production of documents and tangible items subject to the terms of this Protective Order as follows:

- a. Lenawee County Jail policies and procedures agreed upon by counsel.
- b. Schematic diagram of the booking area of the Lenawee County Jail.
- c. Activity logs for January 16, 2009 midnight to 5:00 pm.

2. Lenawee County consents to the production of its collective bargaining agreement with Correction Officers at the jail only for an *in camera* inspection by the judge or magistrate, for determination of its relevance for discovery. If the documents are found to be discoverable, they will be produced under the terms of this Protective Order.

3. All additional items produced by defendants in this litigation marked "Confidential" are being produced under the terms of this Protective Order, the original of which will not be destroyed. Defendants do not waive any objection as to the admissibility of any information provided under this protective Order or for the right to protect future disclosures in different ways.

4. Information subject to this protective order is confidential and to be used by the attorneys of record only for the purposes of this litigation and for no other purpose. The information will not be made available or known to any person except for the attorneys of record, their support staff, experts and witnesses.

5. This order does not authorize the filing of any documents under seal. Documents may be sealed only if authorized by statute, rule, or order of the Court. A party seeking to file under seal any paper or other matter in any civil case pursuant to this section shall file and serve a motion that sets forth (i) the authority for sealing; (ii) an identification and description of each item proposed for sealing; (iii) the reason that sealing each item is necessary; (iv) the reason that means other than sealing is not available or unsatisfactory to preserve the interest advanced by the movant in support of the seal; (v) a memorandum of legal authority supporting the seal. See Local Rule 5.3. The movant shall not file or otherwise tender to the Clerk any item proposed for sealing unless the Court has granted the motion required by this section.

Whenever a motion to seal is filed, the movant shall submit a proposed order which states the particular reason the seal is required. The proposed order shall be submitted to the judge to whom the case is assigned or to the magistrate judge to whom the matter is referred, via the link located under the "Utilities" section of CM/ECF. If a motion to seal is granted, the documents to be filed under seal shall be filed electronically by the movant.

6. Each copy of a page provided to the attorneys of record will be stamped "CONFIDENTIAL," and the attorneys of record agree that any other copies of documents will also bear that designation.

7. An expert or witness who views the confidential documents or who is given copies of them will sign a copy of the form attached as Exhibit A. A copy of each executed Exhibit A will be sent to counsel for Lenawee County at the

time the expert is endorsed or identified as a witness or potential rebuttal witness or, if the expert is not endorsed or identified as a witness, upon final resolution of this case.

8. The copies of the documents are to be returned to counsel for Defendant Lenawee County in their entirety, upon final resolution of this case or any civil case regarding the underlying incident, whichever comes last. No copies of any of the documents will be retained by Plaintiff's or co-defense attorneys or their staff, or their witnesses or experts.

9. This Stipulation shall in no way constitute a waiver by any party to contest any assertion or claim that the aforementioned documents or information are privileged, confidential or not discoverable unless or until otherwise determined by the Court.

s/Robert H. Cleland
Robert H. Cleland
United States District Judge

Dated: June 1, 2010

The Undersigned Stipulate to this Order:

/s/ David S. Robinson
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/s/ Keith P. Felty
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EXHIBIT A

I, _____, have read the Protective order and understand that the documents which I am about to review and any copies of those documents that I am allowed to have in my possession are confidential documents to be used only for the purpose of this litigation and no other purpose. I promise not to copy these documents or show them to any other person. I also promise to return these documents immediately after resolution of the case to counsel for Defendants.

Dated: _____