

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TODD CHARLES PENN,

Plaintiff,

Case No. 17-cv-10862

Hon. Matthew F. Leitman

v.

BED BATH & BEYOND, INC., et al.,

Defendants.

STIPULATED PROTECTIVE ORDER

THIS MATTER having come before this Honorable Court upon stipulation of counsel for Plaintiff and for Defendants, and the Court being otherwise fully advised in the premises:

IT IS HEREBY ORDERED that the City of Novi policies and procedures be produced subject to the following conditions;

1. The documents subject to this protective order shall be used solely and exclusively for the purposes of the instant lawsuit and can be used in any and all court filings, judicial proceedings, depositions, alternative dispute resolution proceedings, trial, and/or any other judicially-related proceedings.
2. The documents subject to this protective order shall not be used in or for any other case, proceeding, dispute, or for any commercial, business, or competitive purpose whatsoever.

3. The documents subject to this protective order may be reviewed by Counsel for the parties, Counsels' staff, those individuals associated with the activities cited in subparagraph (1), and such experts and/or consultants as Counsel deems necessary for purposes of this litigation.
4. The documents provided pursuant to this Protective Order may be disclosed only to those individuals and/or entities identified in this protective order and must be used only by those individuals and/or entities identified in this protective order and must only be used for purposes of this litigation.
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 or stipulation 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 a means other than sealing is not available or unsatisfactory to preserve the interest advanced by the movant in support of the seal; and, if a party files a motion *only*, (v) a memorandum of legal authority supporting the seal. See Local Rule 5.3. No party shall file or otherwise tender to the Clerk any item proposed for sealing unless the Court has entered an order allowing filing under seal.

IT IS FURTHER ORDERED that nothing in this protective order shall prevent a party from filing a Motion for Modification of the Protective Order.

IT IS FURTHER ORDERED that this protective order shall survive and remain in full force and effect until the entry of final judgment (including any appellate proceedings) in this case, whether by settlement or litigation, unless otherwise ordered by the Court.

IT IS FURTHER ORDERED that the documents produced under the protective order do not constitute an admission and/or agreement that any such document is admissible as evidence in this case. Determinations of evidence admissibility will be made by the Court in separate proceedings.

IT IS FURTHER ORDERED that the documents produced pursuant to this protective order shall be destroyed by Plaintiff's and/or Defendants' Counsel after final disposition (including all appeals) of the case except any documents attached to any pleadings filed with the court, deposition exhibits, or other pleadings.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: March 21, 2018

We Stipulate and Agree to Entry of the Above Order:

s/KENNETH D. FINEGOOD
KENNETH D. FINEGOOD (P36170)
Kenneth D. Finegood, P.L.C.
Attorney for Plaintiff
29566 Northwestern Highway
Suite 120
Southfield, MI 48034
(248) 351-0608
kdfesq44@aol.com

s/CHRISTOPHER J. RAITI
G. GUS MORRIS (P32960)
CHRISTOPHER J. RAITI (P68600)
McGRAW MORRIS P.C.
Attorneys for Defendant Bergtold
2075 West Big Beaver Road
Suite 750
Troy, MI 48084
(248) 502-4000
craiti@mcgrawmorris.com

s/JOHN J. GILLOOLY
JOHN J. GILLOOLY (P41948)
GARAN LUCOW MILLER PC
Attorney for Def Bed Bath & Beyond
1155 Brewery Park Blvd.
Ste. 200
Detroit, MI 48207
(313) 446-5501
jgillooly@garanlucow.com