

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

SAMAG Saalfelder
Werkzeugmaschinen GmbH,
corporation organized under the laws
of the Federal Republic of Germany,

Case No. 20-cv-10229-TGB-DRG

Hon. Terrence G. Berg

Plaintiff,

v.

JD Norman Industries, Inc.
an Illinois corporation,

Defendant.

MILLER, CANFIELD, PADDOCK
and STONE, P.L.C.

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STIPULATED PROTECTIVE ORDER

Pursuant to Federal Rule of Civil Procedure 26(c), the Court hereby enters the following protective order. This matter comes before the Court as follows:

A. Plaintiff SAMAG Saalfelder Werkzeugmaschinen GmbH (“SAMAG”) commenced this suit against Defendant JD Norman Industries, Inc. (“JD Norman”) asserting a claim based upon a guaranty. Defendant denies liability.

B. The parties have conducted settlement discussions. In connection with those discussions Plaintiff SAMAG has asked Defendant JD Norman to provide financial disclosure and certain documents regarding Defendant’s financial affairs. Defendant is willing to provide such financial disclosure and certain documents regarding Defendant’s financial affairs provided that such disclosure and production is maintained confidential as set forth herein.

IT IS HEREBY ORDERED as follows;

1. Confidential Documents shall be defined as any information related to the financial condition or affairs of Defendant JD Norman, and any of its subsidiary, affiliate and related entities and shall include, but not be limited to, any financial statements, income statements, balance sheets, tax returns, financial reports prepared by any consultants, and other financial records, which may be produced by Defendant to Plaintiff or otherwise made available to Plaintiff for purposes of settlement discussions.

2. Consistent with the definition of Confidential Documents above, JD Norman may designate a document as a Confidential Document by placing a

"CONFIDENTIAL – Subject to Protective Order" stamp on the document prior to its transmission to Plaintiff's counsel.

3. Confidential Documents and the information contained therein shall not be disclosed except to (a) counsel of record for Plaintiff in this suit and any other counsel representing or advising Plaintiff with respect to the matter of settlement of this case, including Plaintiff's German counsel, (b) officers and employees of Plaintiff having responsibility for making the determination as to settlement of the claims asserted by Plaintiff; (c) any accountants or other experts or consultants retained on behalf of Plaintiff to evaluate settlement considerations. Confidential Documents and the information contained therein shall be used by Plaintiff solely for purposes of evaluating any settlement offer made by Defendant and determining whether to move forward with the prosecution of this suit.

4. Each person to whom the Confidential Documents, or any information contained therein, is disclosed, shall, before obtaining access to such material, be provided with a copy of this Order by counsel making the disclosure, and shall agree in writing, on behalf of themselves and their agents and employers, to be bound by the terms hereof.

5. Nothing in this Order shall obligate any party to share any Confidential Documents with any other party.

5. The parties shall take all steps reasonably required to protect the confidentiality of any Confidential Documents used in a hearing.

6. After termination of this litigation, the provision of the Order shall continue to be binding. The Court shall retain and have jurisdiction over the parties and recipients of the Confidential Documents for enforcement of the provisions of this Order following termination of this litigation.

DATED: January 8, 2021

/s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM AND
CONTENT:

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