

## Shannon Holdsambeck

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**From:** Shannon Holdsambeck  
**Sent:** Friday, July 29, 2011 11:23 AM  
**To:** 'mspread@hotmail.com'  
**Cc:** 'jbsmith@garlington.com'; Bill Crowley; Tasha Jones; Thomas Leonard; Kate Palmer  
**Subject:** Spreadbury v. Bitterroot Public Library  
**Attachments:** Proposed Protective Order.pdf

SENT ON BEHALF OF WILLIAM L. CROWLEY, ESQ.

Dear Mr. Spreadbury:

Attached is a proposed Protective Order. It reflects protective orders issued in other civil rights cases before Judge Lynch and Judge Molloy. Please advise if it is agreeable to you. If so, we will prepare a stipulation that says, in effect, that the parties agree to the Protective Order. We will then present it to the Court for the Court's consideration and adoption. Copies of this email and the proposed Protective Order are being provided to Mr. Smith for his consideration as well.

Sincerely,

William L. Crowley  
c/o Shannon E. Holdsambeck  
Paralegal  
**BOONE KARLBERG**  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION**

**MICHAEL E. SPREADBURY,**

**Plaintiff,**

**v.**

**BITTERROOT PUBLIC LIBRARY,  
CITY OF HAMILTON, LEE  
ENTERPRISES, INC., and BOONE  
KARLBERG P.C.**

**Defendants.**

**Cause No. CV-11-064-M-DWM-JCL**

**PROTECTIVE ORDER**

**Pursuant to a Stipulation between the parties,**

**IT IS HEREBY ORDERED:**

**1. The information and records involved in the discovery in this action will include private and confidential information including (1) Plaintiff's employment information, (2) Plaintiff's financial information, (3) confidential criminal justice information, and (4) other information deemed private and confidential.**

**2. Any confidential information and records requested and released to the parties or to counsel for the parties are for the limited purpose of discovery in this case and shall be used only for purposes of this litigation.**

**3. If a party or counsel for a party wishes to disseminate any of the above-described material designated as confidential to third parties, the party or counsel shall give the other parties or counsel for the other parties 30 days written notice of the intent to disseminate any confidential material. Within that period, another party or counsel for another party shall have the opportunity to file a written objection with the Court.**

**4. Any confidential information or material filed with the Court, including the above information, shall be filed in a sealed container which shall be endorsed with the title and docket number of the action, the word “CONFIDENTIAL” and a statement substantially as follows:**

**This container contains (description of the nature of the contents) which are filed in this case by (name of party) under Claim of Confidentiality. The container is not to be opened, nor are the contents thereof to be displaced or revealed, except by order of the Court.**

**5. Information and materials designated as confidential that are received by a party or counsel for a party which did not designate such information as confidential may be disclosed only as follows: (a) to the Court in accordance with**

**this Stipulation and any Protective Order issued; (b) to a party or counsel of record for the respective parties in this action; (c) to other attorneys or their staff who are involved in the preparation and presentation of the case and the trial of this action. This includes all paralegal assistants and stenographical and clerical employees working under the direct supervision of counsel of record in this action; and (d) to other person(s) requested by counsel to furnish technical or expert services or to give testimony with respect to the subject matter, but only to the extent needed to perform a service or prepare for or to give testimony in this action.**

**6. If the materials designated as confidential above are disclosed to any expert retained by a party, such materials may be used only for the purposes of furnishing expert services in this litigation and shall not be used in any other manner or in any other proceeding. A party or counsel who discloses confidential information to a retained expert shall be responsible for communicating to such expert the terms of this Stipulation and any Protective Order issued by the Court, shall obtain and retain the original affidavits signed by the retained experts agreeing to maintain the confidentiality of confidential information, and shall maintain a list of all experts to whom any confidential information is disclosed.**

**7. Upon completion of this matter, by dismissal, judgment or any other fashion, all confidential materials shall be returned to the producing party or**

**destroyed by the receiving party within 10 days of completion. If disposed of by destruction, the receiving party must present the producing party with a certification setting forth the manner and date on which said destruction occurred.**

**8. The termination of this action shall not relieve counsel, retained experts, or other persons obligated hereunder from their responsibility to maintain the confidentiality of confidential information pursuant to this Stipulation and any Protective Order issued by the Court. Further, the Court shall retain continuing jurisdiction to enforce the terms of any Protective Order issued, even after this action is terminated, but not if the case is settled.**

**DATED this \_\_\_\_ day of \_\_\_\_\_, 2011.**

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**Jeremiah C. Lynch, Magistrate Judge  
United States District Court**