

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**GREIS TRUCKING & EXCAVATING, )  
INC., and FEDERATED MUTUAL )  
INSURANCE COMPANY, )**

**8:12CV3160**

**Plaintiffs,** )

**vs.** )

**UNION PACIFIC RAILROAD )  
COMPANY, )**

**Defendant.** )

**PROTECTIVE ORDER  
GOVERNING CONFIDENTIAL  
INFORMATION AND DOCUMENTS**

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THIS MATTER is before the Court upon the parties' joint motion (Filing No. 47) for entry of a protective order. Having reviewed the parties' joint motion and for good cause shown, the Court hereby enters the following Order governing confidential information and documents and authorizes the release of the individuals to whom the records pertain. Such disclosure is subject to the following conditions:

Material requested by any of the parties may be deemed confidential if it is proprietary or trade secret information or to prevent injury, harassment, or abuse of court processes in accordance with Federal Rule of Civil Procedure 26(c). Such confidential material shall be disclosed only to the following individuals, each of whom shall be required to read this Stipulation and agree to abide by its terms before being given any of the information:

- a. Counsel for plaintiffs and counsel for defendants who are actively engaged in the conduct of this litigation, and their staffs to the extent reasonably necessary to render professional services in the litigation;
- b. The parties to the litigation and their experts;

- c. Insurance claims personnel for the parties who agree to be bound by the terms of this Stipulation;
- d. Any other individual included by order of the Court.

Documents produced by the parties to which this Stipulation is applicable shall be stamped “CONFIDENTIAL.”

The inadvertent production, without designation as confidential, of information or a document intended to be designated or that should have been designated as being confidential shall not waive the right to so designate such document or information. Any information or documentation that is inadvertently not designated as being confidential when produced shall be, upon written request of the producing party, thereafter treated as being designated as confidential under this Stipulation.

Subject to the Federal Rules of Evidence and Rule 5.3 of the Civil Rules of the United States Court for the District of Nebraska, any confidential information or documents may be offered in evidence at trial or any Court hearing. Prior to such documents being offered, the filing party shall contact opposing counsel to discuss the documents it intends to offer and the parties shall agree as to the redaction of any sensitive financial information and/or proprietary information pursuant to NECivR 5.3. If a party seeks to file an unredacted document under Restricted Access with the Court, then the filing party must first motion the Court to obtain leave to file the material. The Court may, in its discretion, exclude any information or documents from coverage under this Stipulation. Nothing in this Stipulation shall restrict any use by a producing party of its own confidential information or documents.

The information and documents covered under this Stipulation shall be used only for purposes of this Litigation. No individual shall disclose any of the documents or information to

any other individual, directly or indirectly, except as authorized by this Stipulation. No individual shall use any of the information or documentation to the detriment of the producing party or for any other business or financial benefit of the individual.

In the event of a disclosure in violation of this Stipulation (whether intentional or unintentional), the disclosing party shall immediately notify the opposing party of the disclosure and take immediate action to prevent further disclosure. In the event either party is subpoenaed or otherwise required by legal process to disclose the information, it shall immediately notify the opposing party and provide it with an opportunity to object before any disclosure is made.

After the conclusion of all aspects of the litigation of this case, confidential documents and all copies in print (other than exhibits of record), on computer disc or in any type of electronic format may be retained by each party's respective attorney for the sole purpose of retention and maintenance of a complete litigation file. Under no circumstances shall the attorneys or parties disclose any of the documents or information to any other individual, directly or indirectly, except as already authorized by this Stipulation hereinabove. Under no circumstances should the information or documentation be used to the detriment of the producing party or for any other business or financial benefit of the individual.

**IT IS SO ORDERED.**

Dated this 27th day of November, 2013.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge