

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 MATTHEW BOYD, a Minor, by and through  
4 RANDALL BOYD, Individually and as  
5 Parent and Natural Guardian of MATTHEW  
6 BOYD, a minor, MARY BOYD, Individually  
7 and as Parent and Natural Guardian of  
8 MATTHEW BOYD, a minor,

Case No. 2:12-cv-01485-JCM-GWF

9 Plaintiffs,

10 vs.

11 GENERAL MOTORS COMPANY, a  
12 Delaware Corporation; DOE DEFENDANTS  
13 I-XX, AND ROE CORPORATIONS I-XX,  
14 INCLUSIVE,

15 Defendants.

16 **AGREED PROTECTIVE ORDER CONCERNING GM DOCUMENTS**

17 This matter coming on before the Court on this 29 day of April, 2013, upon the  
18 motion of all parties for an entry of an Agreed Protective Order Concerning GM Documents.

19 Upon consideration of the matter, the Court makes the following findings and orders:

20 The Court finds that the parties have agreed to the entry of this Order as a means of  
21 expediting discovery of documents and information which may be relevant herein.

22 **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:**  
23 **I. PROCEDURES FOR DETERMINING CONFIDENTIAL STATUS**

24 1. Prior to production of documents that contain trade secrets or confidential business  
25 information, including, but not limited to: test reports, research reports, design information,  
26 design, engineering and/or assembly drawings, test specifications, meeting minutes, engineering  
27 files, computer programs, design guidelines and/or specifications, and assembly documents,  
28 General Motors LLC, (GM) may designate as “confidential” or “Produced Pursuant to Protective  
Order” any such document or materials after they have made a review of the documents to  
determine, in good faith, that they constitute trade secrets, confidential research, development,  
commercial information, or are otherwise entitled to protection.



1 vehicles. Provided that, (1) the other attorneys sign an acknowledgement and agree to be bound by  
2 the terms of this Order and be subject to the jurisdiction of this court, and (2) provided that  
3 Plaintiffs' counsel in this case shall maintain a list of such other attorneys subject to ¶7 below.

4 3. In addition, during the course of discovery, GM may request documents from  
5 suppliers that contain highly confidential and commercially sensitive trade secrets. Documents  
6 received from suppliers will not be subject to the sharing provision of this protective order  
7 contained in Section 2, above, and may not be disseminated to any other counsel.

8 Additionally, some design information maintained by GM may be saved in two-  
9 dimensional ("2D") drawings and some design information may be saved in a three-dimensional  
10 ("3D") electronic CAD data format. GM's electronic 3D CAD data constitutes highly  
11 confidential, commercially sensitive trade secrets. To the extent that GM's electronic 3D CAD  
12 data is responsive to Plaintiffs' discovery requests, such electronic 3D CAD data will not be  
13 subject to the sharing provision of this protective order contained in Section 2, above, and may  
14 not be disseminated to any other counsel.

15 4. Documents, information or materials produced pursuant to this Order, and any  
16 copies thereof, may be disclosed to deponents or witnesses during the course of their preparation  
17 for, and the taking of, their deposition or testimony. Prior to the disclosure of such information to a  
18 deponent or witness, the attorney making disclosure shall advise the deponent or witness to whom  
19 the documents, information or materials contained therein are to be disclosed that, pursuant to this  
20 Order, such deponent or witness may not divulge any such materials or the information contained  
21 therein to any other persons unrelated to this lawsuit.

22 5. In the event that such confidential documents or materials are included with, or the  
23 contents thereof are in any way disclosed by any pleadings, motion, deposition transcript or any  
24 other paper filed with this Court, GM will have the opportunity to request the Court to preserve  
25 the confidentiality of those confidential documents as the Court deems appropriate, consistent  
26 with the Ninth Circuit's opinion in *Kamakana v. City and County of Honolulu*, 447 F.3d 1172,  
27 1178-79 (9th Cir. 2006) and *Pintos v. Pacific Creditors Association*, 605 F.3d 665, 678 (9th Cir.  
28 2010). Such materials shall be kept confidential and under seal until further Order of this Court.

1 Pursuant to Local Rule 10-5(b) of the District of Nevada, if papers are filed under seal  
2 pursuant to this protective order, “the papers shall bear the following notation on the first page,  
3 directly under the case number: ‘FILED UNDER SEAL PURSUANT TO ORDER DATED  
4 \_\_\_\_.’” In accordance with Special Order 109 of the District of Nevada, Section IV.C. of the  
5 Electronic Filing Procedures of the District of Nevada (rev. Aug. 24, 2006), and Local Rules 10-5  
6 and 10-2 of the District of Nevada, Confidential Information that is filed under seal shall not be  
7 filed using the Court’s ECF system, although a notice of filing documents under seal shall be filed  
8 pursuant to the Court’s electronic filing procedures.

9 6. GM shall not mark as confidential information, documents, or materials that are  
10 already in the public domain.

11 7. Plaintiffs’ counsel shall maintain a list of names of each person, to whom  
12 confidential documents and materials covered by this Order have been disclosed. This provision  
13 does not apply to the names of counsel in this case nor to employees of their offices. This list  
14 shall be available for inspection by the Court, upon motion and a showing of good cause by GM.

15 8. At the conclusion of this lawsuit by judgment, settlement, dismissal or otherwise,  
16 Plaintiffs shall return to counsel for GM all copies of documents and materials in this case  
17 designated “confidential” or “Produced Pursuant to Protective Order” unless Plaintiffs’ counsel in  
18 this case are involved in any other litigation, as described above. In the case documents covered  
19 by this Order are marked, altered, or annotated, and/or distributed to persons covered by this  
20 Order, Plaintiffs’ counsel may alternatively certify that the documents and materials have been  
21 destroyed.

22 9. This Protective Order and its terms may be modified by any subsequent Protective  
23 Order to which both Plaintiffs and GM have agreed and which is entered by this Court.

24 10. This Protective Order and its terms apply to all parties and entities receiving  
25 documents subject to this Protective Order.

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III. USE AT TRIAL

This Order shall have no effect on the offering or admission of documents at trial.

SIGNED AND ENTERED this 29th day of April, 2013.

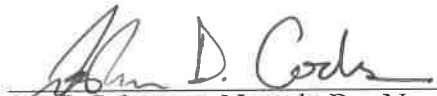
  
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GEORGE FOLEY, JR.  
United States Magistrate Judge

APPROVED AS TO FORM:

/s/ John Funk

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