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 7 Sam's West, Inc.

8 UNITED STATES DISTRICT COURT  
 9 DISTRICT OF NEVADA

10 KEVIN BROWN, an individual, JENNIFER  
 11 BROWN, an individual;  
 12 Plaintiff,  
 13 v.  
 14 SAM'S WEST, INC.; ADVANTAGE SALES  
 AND MARKETING, LLC and DOES 1  
 15 through 100;  
 16 Defendants.

Case No.: 2:15-cv-01964-LDG-CWH

STIPULATED PROTECTIVE ORDER  
 BETWEEN DEFENDANT SAM'S WEST,  
 INC., PLAINTIFFS KEVIN BROWN AND  
 JENNIFER BROWN, AND DEFENDANT  
 ADVANTAGE SALES AND MARKETING,  
 LLC

17 STIPULATED PROTECTIVE ORDER

18 The parties to this action, Defendant SAM'S WEST, INC. ("Sam's West"), Defendant  
 19 ADVANTAGE SALES AND MARKETING ("ASM"), and Plaintiffs KEVIN BROWN and  
 20 JENNIFER BROWN ("Plaintiffs"), by and through their respective counsel, and hereby stipulate and  
 21 request that the Court enter a stipulated protective order as follows:

- 22 1. The Protective Order shall be entered pursuant to *the Federal Rules of Civil*  
 23 *Procedure.*
- 24 2. The Protective Order shall govern all materials deemed to be "Confidential  
 25 Information." Such Confidential Information shall include the following:  
 26 (a) Any and all documents referring or related to confidential and proprietary  
 27 human resources or business information; financial records of the parties;  
 28 compensation of current or former personnel of Defendants; policies,  
 procedures and/or training materials of Defendants and/or Defendant's

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organizational structure;

- (b) Any documents from the personnel, medical or workers' compensation file of any of Defendants' current or former employees or contractors;
- (c) Any documents relating to the Plaintiffs' medical and/or health information or that of any of Defendants' current or former employees or contractors;
- (d) Any portions of depositions (audio or video) where Confidential Information is disclosed or used as exhibits.

3. In the case of documents and the information contained therein, designation of Confidential Information produced shall be made by placing the following legend on the face of the document and each page so designated "CONFIDENTIAL" or otherwise expressly identified as confidential. Defendant will use its best efforts to limit the number of documents designated Confidential.

4. Confidential Information shall be held in confidence by each qualified recipient to whom it is disclosed, shall be used only for purposes of this action, shall not be used for any business purpose, and shall not be disclosed to any person who is not a qualified recipient. All produced Confidential Information shall be carefully maintained so as to preclude access by persons who are not qualified recipients.

5. Qualified recipients shall include only the following:

- (a) In-house counsel and law firms for each party and the secretarial, clerical and paralegal staff of each;
- (b) Deposition notaries and staff;
- (c) Persons other than legal counsel who have been retained or specially employed by a party as an expert witness for purposes of this lawsuit or to perform investigative work or fact research;
- (d) Deponents during the course of their depositions or potential witnesses of this case; and
- (e) The parties to this litigation, their officers and professional employees.

6. Each counsel shall be responsible for providing notice of the Protective Order and the terms therein to persons to whom they disclose "Confidential Information," as defined by the terms of the Protective Order.

1           Persons to whom confidential information is shown shall be informed of the terms of this  
2 Order and advised that its breach may be punished or sanctioned as contempt of the Court. Such  
3 deponents may be shown Confidential materials during their deposition but shall not be permitted to  
4 keep copies of said Confidential materials nor any portion of the deposition transcript reflecting the  
5 Confidential Information.

6           If a party objects to any asserted claim that information should be deemed Confidential,  
7 counsel for the objecting party shall make such objections in writing within thirty (30) days of receipt  
8 of the claimed Confidential materials, and the parties shall attempt to resolve any such disputes in good  
9 faith and on an informal basis. If the parties are unable to resolve their dispute, they may present a  
10 motion to the Court objecting to such status. The information shall continue to have Confidential  
11 status during the pendency of any such motion.

12           7.       No copies of Confidential Information shall be made except by or on behalf of  
13 attorneys of record, in-house counsel or the parties in this action. Any person making copies of such  
14 information shall maintain all copies within their possession or the possession of those entitled to  
15 access to such information under the Protective Order.

16           8.       Any party that inadvertently discloses or produces in this action a document or  
17 information that it considers privileged or otherwise protected from discovery, in whole or in part,  
18 shall not be deemed to have waived any applicable privilege or protection by reason of such disclosure  
19 or production if, within fourteen (14) days of discovering that such document or information has been  
20 disclosed or produced, the producing party gives written notice to the receiving party identifying the  
21 document or information in question, the asserted privileges or protection, and the grounds there for,  
22 with a request that all copies of the document or information be returned or destroyed. The receiving  
23 party shall return or destroy the inadvertently disclosed documents, upon receipt of  
24 appropriately marked replacement documents.

25           9.       The termination of this action shall not relieve the parties and persons obligated  
26 hereunder from their responsibility to maintain the confidentiality of information designated  
27 confidential pursuant to this Order.

28           10.      Within thirty (30) days of the final adjudication or resolution of this Lawsuit, the party

1 receiving Confidential Information shall return all Confidential Material, including all copies and  
2 reproductions thereof, to counsel for the designating party.

3 11. Nothing in this Order shall be construed as an admission to the relevance, authenticity,  
4 foundation or admissibility of any document, material, transcript or other information.

5 12. Nothing in the Protective Order shall be deemed to preclude any party from seeking  
6 and obtaining, on an appropriate showing, a modification of this Order.

7 DATED this 21<sup>st</sup> day of May, 2017.

DATED this 31 day of May, 2017.

8 **CHRISTIANSEN LAW OFFICES**

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*Attorneys for Defendant Advantage Sales  
and Marketing, LLC*

*Attorneys for Plaintiffs*

23 **ORDER**

24 IT IS SO ORDERED.

DATED: June 5, 2017

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28 **UNITED STATES MAGISTRATE JUDGE**

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**CERTIFICATE OF SERVICE**

Pursuant to FRCP 5(b), I hereby certify that on this 2nd day of June, 2017, I caused a true and correct copy of the foregoing **STIPULATED PROTECTIVE ORDER BETWEEN DEFENDANT SAM'S WEST, INC., PLAINTIFF KEVIN BROWN, AND DEFENDANT ADVANTAGE SALES AND MARKETING, LLC** to be served via CM/ECF electronic filing ~~person(s)~~ following

ATTORNEY OF RECORD	TELEPHONE/FAX	PARTY
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An Employee of PHILLIPS, SPALLAS & ANGSTADT LLC