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9 *TIMOTHY D. RYAN*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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12 TIMOTHY D. RYAN,
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14 Plaintiff,

14 vs.

15 EQUIFAX INFORMATION SERVICES, LLC;
16 CARMAX AUTO FINANCE; PENNYMAC
17 LOAN SERVICES LLC; USAA FEDERAL
SAVINGS BANK,
18
19 Defendants.

19 DARLENE S. BEDFORD,
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21 Plaintiff,
22 v.
23 EQUIFAX INFORMATION SERVICES, LLC;
24 CARMAX AUTO FINANCE; PENNYMAC
25 LOAN SERVICES LLC; USAA FEDERAL
SAVINGS BANK,
26
27 Defendants.

Lead Case No.: 2:19-cv-00577-JCM-GWF
Member Case: 2:19-cv-00579-APG-NJK

~~**[PROPOSED]**~~ **STIPULATED
PROTECTIVE ORDER**

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27 IT IS HEREBY STIPULATED by and between TIMOTHY D. RYAN and
28 DARLENE S. BEDFORD, Plaintiffs in this consolidated case (“Plaintiffs”) and

1 Defendant USAA FEDERAL SAVINGS BANK (“USAA” or “Defendant”),
2 collectively the “Parties”, by and through their counsel of record, as follows:
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4 WHEREAS, documents and information have been and may be sought,
5 produced or exhibited by and among the parties to this action relating to trade secrets,
6 confidential research, development, technology or other proprietary information
7 belonging to the defendants and/or personal income, credit and other confidential
8 information of Plaintiff.

9 THEREFORE, an Order of this Court protecting such confidential information
10 shall be and hereby is made by this Court on the following terms:

11 1. This Order shall govern the use, handling and disclosure of all
12 documents, testimony or information produced or given in this action which are
13 designated to be subject to this Order in accordance with the terms hereof.

14 2. Any party or non-party producing or filing documents or other
15 materials in this action may designate such materials and the information contained
16 therein subject to this Order by typing or stamping on the front of the document, or
17 on the portion(s) of the document for which confidential treatment is designated,
18 “Confidential.”

19 3. To the extent any motions, briefs, pleadings, deposition transcripts, or
20 other papers to be filed with the Court incorporate documents or information
21 subject to this Order, the party filing such papers shall designate such materials, or
22 portions thereof, as “Confidential,” and shall file them with the clerk under seal;
23 provided, however, that a copy of such filing having the confidential information
24 deleted therefrom may be made part of the public record. Any party filing any
25 document under seal must comply with the requirements of Local Rules.

26 4. All documents, transcripts, or other materials subject to this Order, and
27 all information derived therefrom (including, but not limited to, all testimony,
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1 deposition, or otherwise, that refers, reflects or otherwise discusses any
2 information designated Confidential hereunder), shall not be used, directly or
3 indirectly, by any person, including Plaintiffs and USAA, commercial or
4 competitive purposes or for any purpose whatsoever other than solely for the
5 preparation and trial of this action in accordance with the provisions of this Order.

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7 5. All depositions or portions of depositions taken in this action that
8 contain confidential information may be designated as “Confidential” and thereby
9 obtain the protections accorded other confidential information. The parties shall
10 have twenty-one (21) days from the date a deposition is taken, or fourteen (14)
11 days from the date a deposition transcript is received, whichever date is greater, to
12 serve a notice to all parties designating portions as “Confidential.” Until such
13 time, all deposition testimony shall be treated as confidential information. To the
14 extent any designations are made on the record during the deposition, the
15 designating party need not serve a notice re-designating those portions of the
16 transcript as confidential information. Any party may challenge any such
17 designation in accordance with Paragraph 14 of this Order.

18 6. Except with the prior written consent of the individual or entity
19 designating a document or portions of a document as “Confidential,” or pursuant to
20 prior Order after notice, any document, transcript or pleading given “Confidential”
21 treatment under this Order, and any information contained in, or derived from any
22 such materials (including but not limited to, all deposition testimony that refers,
23 reflects or otherwise discusses any information designated confidential hereunder)
24 may not be disclosed other than in accordance with this Order and may not be
25 disclosed to any person other than: (a) the Court and its officers; (b) parties to this
26 litigation; (c) counsel for the parties, whether retained counsel or in-house counsel
27 and employees of counsel assigned to assist such counsel in the preparation of this
28 litigation; (d) fact witnesses subject to a proffer to the Court or a stipulation of the

1 parties that such witnesses need to know such information; (e) present or former
2 employees of the producing party in connection with their depositions in this
3 action (provided that no former employees shall be shown documents prepared
4 after the date of his or her departure); and (f) experts specifically retained as
5 consultants or expert witnesses in connection with this litigation.

6
7 7. Documents produced pursuant to this Order shall not be made
8 available to any person designated in Subparagraph 6 (f) unless he or she shall
9 have first read this Order, agreed to be bound by its terms, and signed the attached
10 Declaration of Compliance.

11 8. Third parties who are the subject of discovery requests, subpoenas or
12 depositions in this case may take advantage of the provisions of this Protective
13 Order by providing the parties with written notice that they intend to comply with
14 and be bound by the terms of this Protective Order.

15 9. All persons receiving any or all documents produced pursuant to this
16 Order shall be advised of their confidential nature. All persons to whom
17 confidential information and/or documents are disclosed are hereby enjoined from
18 disclosing same to any person except as provided herein, and are further enjoined
19 from using same except in the preparation for and trial of the above-captioned
20 action between the named parties thereto. No person receiving or reviewing such
21 confidential documents, information or transcript shall disseminate or disclose
22 them to any person other than those described above in Paragraph 6 and for the
23 purposes specified, and in no event, shall such person make any other use of such
24 document or transcript.

25 10. Nothing in this Order shall prevent a party from using at trial any
26 information or materials designated “Confidential.”

27 11. This Order has been agreed to by the parties to facilitate discovery and
28 the production of relevant evidence in this action. Neither the entry of this Order,

1 nor the designation of any information, document, or the like as “Confidential,”
2 nor the failure to make such designation, shall constitute evidence with respect to
3 any issue in this action.

4 12. Inadvertent failure to designate any document, transcript, or other
5 materials “Confidential” will not constitute a waiver of an otherwise valid claim of
6 confidentiality pursuant to this Order, so long as a claim of confidentiality is
7 promptly asserted after discovery of the inadvertent failure. If a party designates a
8 document as “Confidential” after it was initially produced, the receiving party, on
9 notification of the designation, must make a reasonable effort to assure that the
10 document is treated in accordance with the provisions of this Order, and upon
11 request from the producing party certify that the designated documents have been
12 maintained as confidential information. **The designating party shall have the**
13 **burden of proving that any document designated as CONFIDENTIAL is**
14 **entitled to such protection.**

15 13. Within sixty (60) days after the final termination of this litigation, all
16 documents, transcripts, or other materials afforded confidential treatment pursuant
17 to this Order, including any extracts, summaries or compilations taken therefrom,
18 but excluding any materials which in the good faith judgment of counsel are work
19 product materials, shall be returned to the Producing Party. In lieu of return, the
20 parties may agree to destroy the documents, to the extent practicable.

21 14. In the event that any party to this litigation disagrees at any point in
22 these proceedings with any designation made under this Protective Order, the
23 parties shall first try to resolve such dispute in good faith on an informal basis. If
24 the dispute cannot be resolved, the party objecting to the designation may seek
25 appropriate relief from this Court. During the pendency of any challenge to the
26 designation of a document or information, the designated document or information
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1 shall continue to be treated as “Confidential” subject to the provisions of this
2 Protective Order.

3 15. Nothing herein shall affect or restrict the rights of any party with
4 respect to its own documents or to the information obtained or developed
5 independently of documents, transcripts and materials afforded confidential
6 treatment pursuant to this Order.

7 16. The Court retains the right to allow disclosure of any subject covered
8 by this stipulation or to modify this stipulation at any time in the interest of justice.

9 **IT IS SO STIPULATED.**

10 Dated September 9, 2019.

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12
13 /s/Shawn W. Miller
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18 Attorneys for Plaintiffs
19 **TIMOTHY D. RYAN**
20 **DARLENE S. BEDFORD**

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22 /s/ Priscilla L. O'Briant
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ORDER



UNITED STATES MAGISTRATE JUDGE

Dated: September 11, 2019