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8 Attorneys for Plaintiff

9 *Court Use only above this line.*

10 UNITED STATES DISTRICT COURT
 11 DISTRICT OF NEVADA

12 CALLISONS, INC., a Washington corporation,

13 Plaintiff,

14 vs.

15 KEY FARMS, INC., a Nevada Corporation;
 16 KEY BROTHERS, INC., a Nevada corporation,
 17 MIKE L. KEY; and R. DRUE KEY,

18 Defendants.

NO. 3:08-cv-00426-LRH-RAM

19 **STIPULATED**
 20 **PROTECTIVE ORDER**

21 **STIPULATED PROTECTIVE ORDER**

22 The parties, by and through their undersigned counsel, hereby stipulate and agree as
 23 follows:

- 24 1. Any party or person producing documents and other materials after the effective
 25 date hereof may wish that certain materials not be made available to the other parties to this
 26 action on the basis that materials constitute or contain confidential and sensitive business

1 information.

2 2. Any party or person that wishes that certain documents or the information
3 contained in the documents be subject to the provisions of this Stipulated Protective Order may
4 stamp or label the documents "CONFIDENTIAL." Such designation constitutes a good faith
5 belief by the producing party that the document, or portion thereof, designated as
6 "CONFIDENTIAL" is or contains confidential commercial information within the meaning of
7 Federal Rule of Civil Procedure, Rule 26(c)(1)(G).
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9 3. All CONFIDENTIAL material produced by any party or person may be
10 revealed only to the following persons:

11 a. Counsel directly working on the above-entitled action and such counsel's
12 paralegals, secretaries, and clerical employees who are actively assisting in the preparation,
13 trial, appeal, and/or settlement of this action; and
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15 b. Independent experts and consultants retained or consulted by counsel
16 concerning the preparation and trial of the above-entitled action, and who must rely on
17 CONFIDENTIAL information in connection with such retention or consultation; and

18 c. Court reporters and other persons involved in the recording of deposition
19 testimony in the above-entitled action.
20

21 d. Parties to the above-entitled action, and their agents, officers and
22 representative.

23 CONFIDENTIAL material may not be given, shown, or made available to any person
24 described within ¶ 3(b) OR (d) unless and until such person has read and signed a copy of a
25 declaration in the form attached hereto as Exhibit A ("Declaration"). The signed Declaration
26

1 must be retained by the attorney who obtained the signature.

2 4. At the conclusion of the action, including any and all appeals, unless otherwise
3 ordered by the court, all CONFIDENTIAL material, including all copies thereof, must upon
4 request and at the option of the producing party, be returned or destroyed. Any party to whom
5 the CONFIDENTIAL material was produced shall, upon demand, attest in writing to the return
6 of all CONFIDENTIAL material produced or its destruction.
7

8 5. Nothing in this Stipulated Protective Order will preclude any party from
9 applying to the court for additional or different protective provisions with regard to specific
10 documents, materials, or information if the need should arise during the pendency of the
11 litigation.

12 6. Nothing in this Stipulated Protective Order will restrict the use of
13 CONFIDENTIAL material in motions or at trial; provided, however, no party or non-party
14 shall file or submit for filing as part of the court record any documents under seal without first
15 obtaining leave of court. Notwithstanding any agreement among the parties, the party seeking
16 to file a paper under seal bears the burden of overcoming the presumption in favor of public
17 access to papers filed in court.
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19 7. This Stipulated Protective Order will continue to be binding after the conclusion
20 of this action and will not be abrogated by any settlement or dismissal of this action.
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22 8. If any person or entity requests or demands access to CONFIDENTIAL material
23 produced by the parties in this action, by subpoena or otherwise, counsel for the party receiving
24 the demand or subpoena shall immediately notify counsel of the party who produced the
25 CONFIDENTIAL material for which access is sought ("Producing Party") before responding to
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1 or complying with the demand or subpoena. The Producing Party may, at its own expense,
2 resist the production of such CONFIDENTIAL material by timely and appropriate process.
3 Even if the party receiving the demand or subpoena has no objection to the disclosure, such
4 party shall nevertheless invoke this Stipulated Protective Order and shall otherwise make
5 reasonable efforts to prevent disclosure until final resolution of the Producing Party's objections
6 to disclosure.
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8 10. Nothing in this Stipulated Protective Order will restrict a party's use of its own
9 documents and materials produced during the pendency of the action.

10 DATED this 2nd day of April, 2009.

<p>12 GUILD RUSSELL GALLAGHER & 13 FULLER, LTD Attorneys for Plaintiff</p> <p>14</p> <p>15 By <u>C. David Russell</u> 16 C. David Russell, NV Bar No. 000838 17 Brian J. Saeman, NV Bar No. 007892 18 100 West Liberty Street, Suite 800 19 P.O. Box 2838 Reno, NV 89505-2838</p>	<p>GOICOECHEA, DIGRAZIA, COYLE & STANTON, LTD. Attorneys for Defendants</p> <p>By <u>David M. Stanton</u> David M. Stanton, NV Bar No. 4389 530 Idaho Street Elko, NV 89801</p>
<p>20 GARVEY SCHUBERT BARER Attorneys for Plaintiff</p> <p>21</p> <p>22 By <u>Charles C. Robinson</u> 23 Charles C. Robinson, Admitted Pro Hac Vice 24 1191 Second Avenue, 18th Floor Seattle, WA 98101-2939</p>	

ORDER

Based on the foregoing stipulation of the parties, it is hereby ORDERED that this stipulation is hereby approved and adopted in all respect.

Signed and dated this 2nd day of April, 2009.



UNITED STATES MAGISTRATE JUDGE

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EXHIBIT A

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STATE OF _____)
COUNTY OF _____) ss.

_____, being first duly sworn on oath, deposes and says:

1. I hereby acknowledge that I have read, fully understood and agreed to abide by the terms and conditions of the Protective Order among the parties entered in the litigation referred to as *Callisons, Inc. v. Key Farms, Inc., et. al.*, Case No. 3:08-cv-00426-LRH-RAM, filed in the United States District Court for the District of Nevada on August 5, 2008.

2. I understand that I am limited by the Protective Order in the disclosure of confidential discovery materials which have been provided or shown to me pursuant to the terms and conditions of this Protective Order. I acknowledge that I shall utilize confidential information and documents provided to me solely for purposes directly related to these proceedings and for no other purpose.

3. I hereby consent to the exercise of personal jurisdiction by the United States District Court for the District of Nevada for the purpose of enforcing the obligations I have agreed to undertake under the terms of the protective order.

SUBSCRIBED AND SWORN to before me this ___ day of _____,
2009.

NOTARY PUBLIC in and for the
State of _____ residing
at: _____

My commission expires _____

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