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CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
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7 UNITED STATES DISTRICT COURT  
8 DISTRICT OF NEVADA

10 JUDY KROSHUS, et al.,	)	3:08-cv-246-LDG-RAM
11 Plaintiffs,	)	ORDER ON (# 460)
12 v.	)	MOTION FOR ORDER PROVIDING
13 UNITED STATES OF AMERICA, et	)	FOR CLAWBACK OF INFORMATION
14 al.,	)	INADVERTENTLY DISCLOSED
15 Defendants.	)	
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16 ALICIA UHOUSE, et al.,	)	3:08-cv-0285-LDG-RAM
17 Plaintiffs,	)	
18 v.	)	ORDER ON (# 217)
19 UNITED STATES DEPARTMENT OF	)	MOTION FOR ORDER PROVIDING
20 THE INTERIOR, et al.,	)	FOR CLAWBACK OF INFORMATION
21 Defendants.	)	INADVERTENTLY DISCLOSED
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22 BILL ADAMSON et al.,	)	3:08-CV-621-LDG-RAM
23 Plaintiffs,	)	
24 v.	)	ORDER ON (# 93)
25 UNITED STATES OF AMERICA,	)	MOTION FOR ORDER PROVIDING
26 Defendant.	)	FOR CLAWBACK OF INFORMATION
	)	INADVERTENTLY DISCLOSED

1 ) 3:09-CV-167-LDG-RAM  
2 LARRY J. MOORE, et al., )  
3 Plaintiffs, )  
4 v. ) ORDER ON (# 81)  
5 UNITED STATES OF AMERICA, ) MOTION FOR ORDER PROVIDING  
6 Defendant. ) FOR CLAWBACK OF INFORMATION  
INADVERTENTLY DISCLOSED

7 ) 3:09-CV-649-LDG-RAM  
8 JAMES ADGETT, et al., )  
9 Plaintiffs, )  
10 v. ) ORDER ON (# 42)  
11 UNITED STATES OF AMERICA, ) MOTION FOR ORDER PROVIDING  
FOR CLAWBACK OF INFORMATION  
INADVERTENTLY DISCLOSED

12 ) 3:09-CV-713-LDG-RAM  
13 JUDY KROSHUS, et al., )  
14 Plaintiffs, )  
15 v. ) ORDER ON (# 111)  
16 UNITED STATES OF AMERICA, et ) MOTION FOR ORDER PROVIDING  
17 al., ) FOR CLAWBACK OF INFORMATION  
Defendants. ) INADVERTENTLY DISCLOSED

18 )  
19 BILL ADAMSON et al., )  
20 Plaintiffs, ) 3:09-cv-715-LDG-RAM  
21 v. ) ORDER ON (# 48)  
22 UNITED STATES OF AMERICA, ) MOTION FOR ORDER PROVIDING  
23 Defendant. ) FOR CLAWBACK OF INFORMATION  
INADVERTENTLY DISCLOSED

24 This matter came on for hearing before the Court on August  
25 3, 2010. There being no objection to the proposed order and good  
26 cause appearing therefor, IT IS HEREBY ORDERED AS FOLLOWS:  
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28

1           1. It is recognized that the prosecution  
2 and defense of these related actions will  
3 require each party to review and to disclose  
4 large quantities of information and documents  
5 through the discovery process. As a result,  
6 documents and images of documents already  
7 deposited or to be deposited with Sunshine  
8 Litigation Services ("Sunshine")  
9 inadvertently could include materials subject  
10 to privilege or other legally recognized  
11 protection (hereinafer "privileged  
12 information") and therefore not subject to  
13 disclosure in discovery. Such inadvertent  
14 disclosure of privileged information or  
15 documents is possible despite due diligence  
16 and reasonable care taken to protect  
17 privileged information.

18           2. Any party who has deposited materials  
19 with Sunshine may request the other parties  
20 to return privileged documents inadvertently  
21 produced with non-privileged documents. Such  
22 a request shall identify the document with  
23 particularity and state the privilege or  
24 protection being asserted and the basis for  
25 the asserted claim.

26           3. Any party who has deposited  
27 materials with Sunshine may assert a claim of  
28 privilege after receiving notice that another  
party intends to refer to, quote, cite, rely  
upon or otherwise use the material or  
information contained therein. In asserting  
such a claim of privilege, the depositing  
party shall at a minimum identify the  
document with particularity and state the  
privilege or protection being asserted and  
the basis for the asserted claim. Such a  
claim shall be made in a timely manner so  
that the claim of privilege may be challenged  
and any such challenge resolved without undue  
delay. A claim of privilege made within 21  
days after receiving such a notice shall be  
regarded as timely.

          4. If a party does not agree with the  
assertion of a claim of privilege by a  
depositing party under paragraphs 2 or 3, it  
shall notify the depositing party within 14  
days after the receipt of the claim of  
privilege. The depositing party may, after  
meeting and conferring as required by

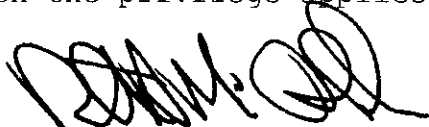
1 applicable rules, move the court for a  
2 determination of that claim. The failure of  
3 the depositing party to file such a motion  
4 within 30 days after receiving notification  
5 by another party of a disagreement regarding  
6 a claim of privilege shall operate as a  
7 waiver of the claim.

8 5. Once a document or information has  
9 been identified as privileged in accordance  
10 with paragraphs 2 or 3, no party shall in any  
11 way copy, reproduce, refer to, quote, cite,  
12 rely upon or otherwise use in any manner, any  
13 such document or its contents in any  
14 proceeding unless and until the Court  
15 determines that the document is not protected  
16 from discovery or the depositing party  
17 withdraws or waives the claim of privilege  
18 (except that the document or information may  
19 be identified or produced, under seal or in  
20 camera, in connection with a motion regarding  
21 the validity of the claim of privilege).

22 6. If the claim of privilege is upheld  
23 by the Court or the receiving party does not  
24 challenge the claim of privilege, all copies  
25 of the privileged documents so identified  
26 shall be returned to the depositing party and  
27 counsel for each party shall certify in  
28 writing to counsel for the depositing party  
that all such documents have been returned.

7. Inadvertent disclosure of any  
information or document which the depositing  
party later claims should not have been  
disclosed because of any privilege will not  
be deemed to constitute a waiver of the  
privilege. No parties shall claim or  
otherwise urge the Court to deem a privilege  
to have been waived solely on the basis of  
the inadvertent disclosure of the information  
or documents to which the privilege applies.

23 Date: Aug. 4, 2010

  
ROBERT A. McQUAID, JR.  
United States Magistrate Judge

CERTIFICATE OF SERVICE

It is hereby certified that service of the foregoing (proposed) ORDER ON MOTION FOR ORDER PROVIDING FOR CLAWBACK OF INFORMATION INADVERTENTLY DISCLOSED was made through the Court's electronic filing and notification or by sending a copy thereof by electronic mail from Reno, Nevada, addressed to the following addressee(s) on August 3, 2010.

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