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15 UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

16 STATE OF NEVADA,

17 Plaintiffs,

18 vs.

19 BANK OF AMERICA CORPORATION,

20 BANK OF AMERICA, N.A.,

BAC HOME LOANS SERVICING, LP;

21 RECONTRUST COMPANY, N.A.;

COUNTRYWIDE FINANCIAL

22 CORPORATION; COUNTRYWIDE

HOME LOANS, INC; and FULL

23 SPECTRUM LENDING, INC.

24 Defendants.

Case No. 3:11-cv-00135-RCJ (RAM)

_____) THIRD PARTY
PROTECTIVE ORDER

25 Pursuant to Federal Rule of Civil Procedure 29 and Local Rule 7-1, the Stipulation of the
26 Parties, and good cause appearing,

27 **IT IS HEREBY ORDERED** that the Court approves the following protections concerning the
28 confidentiality of documents and materials to be produced by Third Parties that are designated as

1 containing proprietary information, trade secrets, nonpublic personal or private financial information,
2 or other confidential information:

3 1. "Third Parties" refer to entities that are not Parties but are providing documents or
4 testimony pursuant to a subpoena in this matter.

5 2. Documents, materials and information ("Documents") produced by a Third Party in
6 response to a subpoena issued by any Party, and which a Third Party contends are confidential, will be
7 marked "CONFIDENTIAL" or "TRADE SECRET/CONFIDENTIAL AND PROPRIETARY
8 INFORMATION" (hereinafter referenced as "CONFIDENTIAL").

9 3. A Third Party will not mark as "CONFIDENTIAL" any Document, unless in good
10 faith and after review of the Document, it believes the document contains confidential information.
11 The "Confidential" designation may be applied to any non-public material that the Third Party
12 determines, reasonably and in good faith, constitutes (1) trade secret information as defined by §
13 N.R.S. 600A.030(5); (2) sensitive data as defined by Rule 5.2 of the Federal Rules of Civil Procedure;
14 (3) nonpublic personal information as defined in 16 CFR 313.3(n)(1)(i) and (n)(2); (4) nonpublic
15 information regarding the terms, conditions and administration of any trust for which the Third Party
16 serves as trustee; and (5) other information that is protected by law from disclosure.

17 Marking a document confidential does not guarantee that the Document is exempt from public
18 disclosure, but rather identifies the materials for which the Third Party is affirmatively requesting
19 confidential treatment to the extent allowed under Nevada's applicable law(s).

20 4. If a Party believes that Discovery Material produced by a Third Party
21 contains documents or information from a Party that the Party believes is Confidential and entitled to
22 designation as Protected Material (as such terms are defined in the Protective Order addressing
23 discovery and disclosure issues between the Parties (the "Party Protective Order"), that Party shall
24 promptly notify the other Party or Parties and make arrangements to have the material at issue
25 designated and labeled as Confidential in the manner set forth in the Party Protective Order. The
26 designation of such material as Confidential by a Party will be governed by the criteria set out in
27 Paragraph 2.3 of the Party Protective Order. If a Party, acting in good faith, has designated such
28 material as Confidential, the provisions of the Party Protective Order (including the resolution of any

1 dispute as to whether the materials are Confidential) shall control treatment of the Discovery
2 Material.

3 5. The State and Defendants will take "CONFIDENTIAL" Documents subject to Nevada
4 public records, consumer protection and trade secrets statutes, and will not share the Documents with
5 a person outside the Office of the Attorney General unless authorized by law or this Order. No Party
6 will share any "CONFIDENTIAL" Documents with non-parties except to the extent provided by this
7 Order.

8 6. To the extent permitted by law, the Attorney General may disclose Documents to any
9 state or federal agency empowered to investigate or prosecute laws, regulations or rules. If the
10 Attorney General does so, it will advise the recipient agencies as to the confidential nature of the
11 Documents.

12 7. In the event the Attorney General receives a public records request or any other
13 disclosure request for any Documents produced by a Third Party that have been marked
14 "CONFIDENTIAL," the Office of the Attorney General ("the Office") shall promptly (and with as
15 much advance notice as possible before any potential release by the Office of any such documents in
16 response to such a request) notify the Third Party's counsel by telephone and in writing of the request
17 so that it may contest the release of such Documents. This Order does not relieve the State or any of
18 its employees, agents or consultants from complying with applicable public records laws.

19 8. The Parties may disclose Documents received from Third Parties to any private
20 counsel, expert, consultant, advisor or agent employed on the above-captioned case, on the condition
21 that such private counsel, expert, consultant, advisor or agent agrees to the provisions set forth in this
22 Order.

23 9. The Parties will use the Documents only in conjunction with the above-captioned case,
24 other litigation arising from the case, and other related law enforcement purposes.

25 DATED: May 16, 2011.

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28 UNITED STATES MAGISTRATE JUDGE