

1 PATRICK H. HICKS, ESQ., Bar # 4632  
2 SANDRA KETNER, ESQ., Bar # 8527  
3 LITTLER MENDELSON  
4 50 West Liberty Street  
5 Suite 400  
6 Reno, NV 89501-1944  
7 Telephone: 775.348.4888  
8 Fax No.: 775.786.0127  
9  
10 Attorneys for Defendant  
11 CARSON-TAHOE REGIONAL HEALTHCARE

12 KENNETH J. McKENNA, ESQ., Bar #1676  
13 544 W. First Street  
14 Reno, NV 89503  
15 Telephone: 775.329.6373  
16 Fax No.: 775.329.2414  
17  
18 Attorney for Plaintiff  
19 Elva Mandoki

20 UNITED STATES DISTRICT COURT  
21 DISTRICT OF NEVADA

22 ELVA MANDOKI,  
23 Plaintiff,  
24 vs.  
25 CARSON-TAHOE REGIONAL MEDICAL  
26 CENTER,  
27 Defendant.

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DISTRICT OF NEVADA  
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28 Case No. 3:11-cv-00398-HDM-RAM

**PROPOSED STIPULATED PROTECTIVE ORDER**

29 In order to protect the confidentiality of confidential information obtained by the  
30 parties in connection with this case, particularly the protected health information (including  
31 testimony, medical and psychological records) of patients of Defendant's which are relevant  
32 to this action, the parties hereby agree as follows:

33 1. Any party or non-party may designate as "confidential" (by stamping the  
34 relevant page or other otherwise set forth herein) any document or response to discovery  
35 which that party or non-party considers in good faith to contain information involving trade  
36 secrets, protected health information or confidential business or financial information,

1 subject to protection under the Federal Rules of Civil Procedure or Nevada law  
2 ("Confidential Information"). Where a document or response consists of more than one  
3 page, the first page and each page on which confidential information appears shall be so  
4 designated. The parties hereby stipulate that protected health information is deemed  
5 Confidential Information and subject to the protections in this Stipulated Protective Order  
6 regardless of whether the procedure outlined above for identifying such documents as  
7 confidential is followed. Documents including protected health information shall be  
8 redacted as follows: 1) there shall be no references to patients by their full name; 2)  
9 patients shall be referred to by their initials.

10 2. A party or non-party may designate information disclosed during a deposition  
11 or in response to a written discovery as "confidential" by so indicating in said response or  
12 on the record at the deposition and requesting the preparation of a separate transcript of  
13 such material. Additionally a party or non-party may designate in writing, within twenty  
14 (20) days after receipt of said responses or of the deposition transcript for which the  
15 designation is proposed, that specific pages of the transcript and/or specific responses to  
16 be treated as "confidential" information. Any other party may object to such proposal, in  
17 writing or on the record. Upon such objection, the parties shall follow the procedures  
18 described in paragraph 8 below. After any designation made according to the procedure  
19 set forth in this paragraph, the designated documents or information shall be treated  
20 according to the designation until the matter is resolved according to the procedures  
21 described in paragraph 8 below, and counsel for all parties shall be responsible for making  
22 all previously unmarked copies of the designated material in their possession or control  
23 with the specified designation. The parties hereby stipulate that protected health  
24 information disclosed during the course of a deposition is deemed Confidential Information  
25 and subject to the protections in this Stipulated Protective Order regardless of whether the  
26 procedure outlined above for identifying such documents as confidential is followed.

27 3. All information produced or exchanged in the course of this case (other than  
28 information that is publicly available) shall be used by the party or parties to whom the

1 information is produced solely for the purpose of this case.

2 4. Except with the prior written consent of other parties, or upon prior order of  
3 this Court obtained upon notice to opposing counsel, Confidential Information shall not be  
4 disclosed to any person other than:

5 (a) counsel for the respective parties to this litigation, including in-house  
6 counsel and co-counsel retained for this litigation;

7 (b) employees of such counsel;

8 (c) individual defendants, class representatives, any officer or employee of  
9 a party, to the extent deemed necessary by Counsel for the prosecution or defense of this  
10 litigation;

11 (d) consultants or expert witnesses retained for the prosecution or defense  
12 of this litigation, provided that each such person shall execute a copy of the Certification  
13 annexed to this Order as Exhibit "A" (which shall be retained by counsel to the party so  
14 disclosing the Confidential Information and made available for inspection by opposing  
15 counsel during the pendency or after the termination of the action only upon good cause  
16 shown and upon order of the Court) before being shown or given any Confidential  
17 Information and provided that if the party chooses a consultant or expert, the party shall  
18 notify the opposing party, or designating nonparty, before disclosing any Confidential  
19 Information to that individual and shall give the opposing party an opportunity to move for  
20 a protective order preventing or limiting such disclosure;

21 (e) any authors or recipients of the Confidential Information;

22 (f) the Court, Court personnel, and court reporters; and

23 (g) witnesses (other than persons described in paragraph 4(e)). A witness  
24 shall sign the Certification before being shown a confidential document. Confidential  
25 Information may be disclosed to a witness who will not sign the Certification only in a  
26 deposition at which the party who designated the Confidential Information is represented  
27 or has been given notice that Confidential Information shall be designated "Confidential"  
28 pursuant to paragraph 2 above. Witnesses shown Confidential Information shall not be

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1 allowed to retain copies.

2 5. Any persons receiving Confidential Information shall not reveal or discuss  
3 such information to or with any person who is not entitled to receive such information,  
4 except as set forth herein.

5 6. No party or non-party shall file or submit for filing as part of the court record  
6 any documents under seal without first obtaining leave of court. The parties stipulate that  
7 any documents or deposition transcripts which include, disclose or discuss protected health  
8 information may be filed by either party under seal. The Court hereby grants leave to the  
9 parties to file any court documents containing protected health information under seal  
10 without further order by the Court.

11 7. A party may designate as "Confidential" documents or discovery materials  
12 produced by a non-party by providing written notice to all parties of the relevant document  
13 numbers or other identification within thirty (30) days after receiving such documents or  
14 discovery materials. Any party or non-party may voluntarily disclose to others without  
15 restriction any information designated by that party or non-party as confidential, although  
16 a document may lose its confidential status if it is made public.

17 8. If a party contends that any material is not entitled to confidential treatment,  
18 such party may at any time give written notice to the party or non-party who designated  
19 the material. The party or non-party who designated the material shall have twenty-five  
20 (25) days from the receipt of such written notice to apply to the Court for an order  
21 designating the material as confidential. The party or non-party seeking the order has the  
22 burden of establishing that the document is entitled to protection.

23 9. Notwithstanding any challenge to the designation of material as Confidential  
24 Information, all documents shall be treated as such and shall be subject to the provisions  
25 hereof unless and until one of the following occurs:

26 (a) the party or non-party claims that the material is Confidential  
27 Information withdraws such designation in writing; or

28 (b) the party or non-party claims that the material is Confidential

1 Information fails to apply to the Court for an order designating the material confidential  
2 within the time period specified above after receipt of a written challenge to such  
3 designation; or

4 (c) the Court rules the material is not confidential.

5 10. All provisions of this Order restricting the communication or use of  
6 Confidential Information shall continue to be binding after the conclusion of this action,  
7 unless otherwise agreed or ordered. Upon conclusion of the litigation, a party in the  
8 possession of Confidential Information, other than that which is contained in pleadings,  
9 correspondence, and deposition transcripts, shall either (a) return such documents no later  
10 than thirty (30) days after conclusion of this action to counsel for the party or non-party  
11 who provided such information, or (b) destroy such documents within the time period upon  
12 consent of the party who provided the information and certify in writing within thirty (30)  
13 days that the documents have been destroyed.

14 11. The terms of this Order do not preclude, limit, restrict, or otherwise apply to  
15 the use of documents at trial. The Court will make further orders pertaining to the use of  
16 protected health information to be used at trial which protect the patients' privacy rights.

17 12. Nothing herein shall be deemed to waive any applicable privilege or work  
18 product protection, or to affect the ability of a party to seek relief for an inadvertent  
19 disclosure of material protected by privilege or work product protection.

20 13. Any witnesses or other person, firm or entity from which discovery is sought  
21 may be informed of and may obtain the protection of this Order by written advice to the  
22 parties' respective counsel or by oral advice at the time of any deposition or similar  
23 proceeding.

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