

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:16-cv-00695-GCM**

BARONIUS PRESS, LTD.,)	
)	
Plaintiff,)	
)	
v.)	CONSENT PROTECTIVE ORDER
)	REGARDING DEPOSITION TESTIMONY
)	OF BRENT KLASKE
SAINT BENEDICT PRESS LLC,)	
)	
Defendant.)	
)	
_____)	

IT IS HEREBY stipulated and agreed, by and between Plaintiff Baronius Press, Ltd., Defendant Saint Benedict Press LLC, and Mr. Brent Klaske, a non-party, that deposition testimony by Mr. Klaske in this matter is subject to this consent protective order. Pursuant to FED. R. CIV. P. 26(c), the Court determines there is good cause to enter this consent protective order.

THEREFORE, WITH THE CONSENT OF THE PARTIES, IT IS ORDERED, ADJUDGED, AND DECREED that upon proper service of a valid subpoena to Mr. Klaske, he is ordered to give deposition testimony in this matter subject to the following terms and conditions:

1. The Defendant agrees that Mr. Klaske’s deposition testimony in this matter does not violate the terms of any non-disclosure or confidentiality agreement that the Defendant may have with Mr. Klaske. The Defendant agrees it will not pursue any claims against Mr. Klaske pertaining to the disclosure of confidential information which arise from his deposition testimony in this matter.

2. Except as provided in paragraph 1, the Defendant reserves all rights against Mr. Klaske pertaining to disclosure of confidential information made outside of his deposition testimony in this matter. Mr. Klaske reserves all defenses to such claims.

3. The Plaintiff, the Defendant, and Mr. Klaske agree that questioning of Mr. Klaske during his deposition will be limited to the approved topics identified in the list attached hereto as **Exhibit A** and incorporated by reference. The parties shall not inquire into any topics which are listed as disapproved under Exhibit A. The Plaintiff, the Defendant, and Mr. Klaske have each reviewed Exhibit A and agree that the approved topics listed therein do not require Mr. Klaske to testify regarding confidential information. Mr. Klaske may refuse to answer any question which deviates from the topics listed in Exhibit A. In the event that questioning by the Plaintiff deviates from the topics in Exhibit A, either the Defendant or Mr. Klaske may terminate the deposition and the deposition shall only resume upon order of the Court.

4. The Plaintiff and the Defendant agree that only the Plaintiff's counsel (and not Paul Kejik or any other representative of the Plaintiff or any third person), will be present at the deposition of Mr. Klaske, either personally or remotely on behalf of the Plaintiff. The deposition transcript and exhibits shall be marked as "Confidential" and, as to Plaintiff, "For Attorneys' Eyes Only." The Defendant's representative may be present at the deposition and will be permitted to review the deposition transcript and exhibits.

5. The ultimate disposition of protected materials shall be subject to a final order from the Court upon completion of the litigation.

[This space intentionally left blank. Signatures appear on page 3 of 3.]

Signed: October 24, 2018



Graham C. Mullen
United States District Judge



CONSENTED TO:

/s/ Mark W. Ishman

Mark W. Ishman
N.C. Bar No. 27908
Ishman Law Firm, P.C.
9660 Falls of Neuse Road, Suite 138-350
Raleigh, NC 27615
Counsel for the Plaintiff

/s/ Kristin G. Garris

Kristin G. Garris
N.C. State Bar No. 38767
Tannenbaum Helpert Syracuse &
Hirschtritt LLP
900 Third Avenue
New York, New York 10022
Counsel for the Plaintiff

/s/ Luke J. Farley, Sr.

Luke J. Farley, Sr.
N.C. Bar No. 41229
Conner Gwyn Schenck PLLC
3141 John Humphries Wynd
Raleigh, NC 27612
Counsel for Brent Klaske

/s/ Jonathan E. Buchan

Jonathan E. Buchan
N.C. Bar No. 8205
Essex Richards, P.A.
1701 South Boulevard
Charlotte, NC 28203
Counsel for the Defendant

EXHIBIT A

APPROVED AND DISAPPROVED TOPICS FOR DEPOSITION OF MR. BRENT KLASKE

APPROVED TOPICS:

1. Mr. Klaske's employment history prior to working for the Defendant, including his employment with TAN Books during its Ch. 11 bankruptcy proceeding. The Plaintiff may ask freely questions about this topic.
2. Mr. Klaske's employment with the Defendant.
3. St. Benedict Press LLC:
 - a. Managerial structure of the Defendant during the time Mr. Klaske was employed by the Defendant, including who was in charge of the company and who made managerial decisions; and
 - b. Companies related to the Defendant.
4. The book titled *Fundamentals of Catholic Dogma*:
 - a. All matters related to the publication rights
 - b. Publication history
 - c. Preparation of derivative works, corrections, etc.
 - d. Sales history
 - e. Sales practice outside the United States
 - f. Accounting.
5. Whether Mr. Klaske has knowledge whether Mr. Patrick Madrid ever wrote the preface to *Fundamentals of Catholic Dogma* for the Defendant, and if so, when did the Defendant receive the preface; and whether there was any correspondence between the Defendant and Patrick Madrid regarding the preface. No other questions regarding Mr. Madrid other than these two topics are allowed.
6. Any documents provided in this litigation by either the Plaintiff or the Defendant that relate directly to the above topics, subject to compliance with the Consent Protective Order in this case, with particular attention to the "confidentiality" and "attorneys eyes only" provisions of that Order.

DISAPPROVED TOPICS:

The parties are expressly prohibited from questioning Mr. Klaske on any of the following topics:

1. Contractors, their rates, details etc., including specifically Mr. Patrick Madrid (other than as provided above in paragraph 5 of the approved topics);
2. Copyright - royalty rates, amounts paid for copyright;
3. Advertising costs;
4. Employees' salaries;
5. Taxes paid;
6. Research channels;
7. Names, contact details, prices etc. of wholesale customers; and
8. Names, contact details, prices etc. of retail customers.