

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:16-CV-211-FDW-DCK**

DREW VAN HORN,

Plaintiff,

v.

**LENOIR-RHYNE UNIVERSITY and
WAYNE B. POWELL, individually,**

Defendants.

**STIPULATION AND PROTECTIVE
ORDER**

It is hereby stipulated by the parties and, upon good cause, ordered by the Court that this Stipulation and Protective Order (the “Order”) shall govern the use of all documents, objects, or things produced by any party to this action on the following terms.

1. The documents, testimony, interrogatory answers, and other information in the following categories shall be kept confidential and shall not be disclosed to anyone except as set forth below:

(a) All proprietary business, fundraising, financial and personnel documents; proprietary business, fundraising, financial and personnel information; and medical records or information that any party designates as “CONFIDENTIAL” and produces to another party in response to that party’s interrogatories, requests for production of documents, or other discovery requests;

(b) The contents of such “CONFIDENTIAL” documents; and

(c) All deposition testimony relating to (i) the “CONFIDENTIAL” documents or their contents or (ii) any other information designated by either party as “CONFIDENTIAL,” including information regarding medical records or medical treatment.

2. The documents, information, and testimony in the categories listed in Paragraph 1 may be disclosed only to the following in connection with their use at trial and in preparation for trial: (i) the parties; (ii) the parties' counsel, including other attorneys in the same firm and their clerical and paralegal employees; (iii) expert witnesses if retained by either party to testify in this case; or (iv) witnesses. However, only such documents, testimony, and other evidence that relate to the testimony of a witness may be disclosed to a non-party witness.

3. Each party (including all parents, subsidiaries, affiliates, officers, employees, agents, attorneys and representatives of any party) shall be subject to this Order and shall review and consent to the terms of this Order before viewing any of the documents or other materials protected by this Order.

4. Neither the originals nor copies of "CONFIDENTIAL" documents or deposition transcripts may be given to anyone other than the parties or their counsel as described. Following the conclusion of the trial in this case and expiration of all periods for appeal, the originals and all copies of the "CONFIDENTIAL" documents shall be destroyed or returned to the party that produced them, subject to further order or direction of this Court.

5. Either party may use and disclose to the Court any documents or information designated as "CONFIDENTIAL" in connection with a motion, brief, exhibit, or other document filed with or presented to the Court, a witness in a deposition or trial, or the jury. The parties agree that, prior to filing documents or information designated as "CONFIDENTIAL" with the Court, the party intending to submit such "CONFIDENTIAL" documents or information shall attempt to file the "CONFIDENTIAL" documents or information under seal pursuant to the procedures outlined in Western District of North Carolina Local Civil Rule 6.1.

6. This Order does not affect the right of any party to challenge, at any time, the designation of any information or document as “CONFIDENTIAL.”

7. This Order shall be effective immediately upon signature by counsel pending submission to and entry by the Court (even if it is not entered), and all parties agree that the Court may enforce the terms of this Order.

IT IS SO ORDERED.

Signed: September 6, 2017



David C. Keesler
United States Magistrate Judge



STIPULATED AND AGREED TO:

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