

**IN UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

Kevin Ross and Jolene Ross,)	
)	
Plaintiffs,)	PROTECTIVE ORDER
)	
vs.)	
)	
Bear Paw Energy, LLC,)	Case No. : 4:09-cv-050
)	
Defendant.)	

Pursuant to the court’s discussion with the parties on October 22, 2010, It is hereby

ORDERED that:

1. All Classified Information produced or exchanged in the course of this litigation shall be used solely for the purpose of preparation and trial of this litigation and for no other purpose whatsoever, and shall not be disclosed to any person other than counsel for the parties and their staff or with Court approval.
2. “Classified Information,” as used herein, means any information of any type, kind or character which is designated as “Confidential” or “For Counsel Only” (or "Attorneys' Eyes Only") by any of the supplying or receiving parties.
3. Documents produced in this action may be designated by any party or parties as “Confidential” or “For Counsel Only” (or “Attorneys' Eyes only”) information by marking each page of the document(s) so designated with a stamp stating “Confidential” or “For Counsel Only” (or “Attorneys' Eyes Only”).
4. Information disclosed at (a) the deposition of a party or one of its present or former officers, directors, employees, agents or independent experts retained by counsel for the purpose of this litigation, or (b) the deposition of a third party (which information pertains to a party) may be designated by any party as “Confidential” or “For Counsel Only” (or “Attorneys' Eyes Only”) information by indicating on the record at the deposition that the testimony is “Confidential” or “For Counsel Only” (or “Attorneys' Eyes Only”) and is subject to the provisions of this Order.

Any party may also designate information disclosed at such deposition as “Confidential” or “For Counsel Only” (or “Attorneys' Eyes Only”) by notifying all of the parties in writing within thirty (30) days of receipt of the transcript, of the

specific pages and lines of the transcript which should be treated as “Confidential” or “For Counsel Only” (or “Attorneys' Eyes Only”) thereafter. Each party shall attach a copy of such written notice or notices to the face of the transcript and each copy thereof in his possession, custody or control. All deposition transcripts shall be treated as "For Counsel Only" (or "Attorneys' Eyes Only") for a period of thirty (30) days after the receipt of the transcript.

To the extent possible, the court reporter shall segregate into separate transcripts information designated as “Confidential” or “For Counsel Only” (or “Attorneys' Eyes Only”), with blank, consecutively numbered pages being provided in a non-designated main transcript. The separate transcript containing “Confidential” and/or “For Counsel Only” (or “Attorneys' Eyes Only”) information shall have page numbers that correspond to the blank pages in the main transcript.

5. In the event a party wishes to use any “Confidential” or “For Counsel Only” (or “Attorneys' Eyes Only”) information in any affidavits, briefs, memoranda of law ,or other papers filed in Court in this litigation, such “Confidential” or “For Counsel Only” (or “Attorneys' Eyes Only”) information used therein shall be filed under seal with the Court.
6. Within one-hundred twenty (120) days after conclusion of this litigation and any appeal thereof, any document and all reproductions of documents produced by a party hereunder shall be returned to the producing party, except as this Court may otherwise order or to the extent such information was used as evidence at the trial. As far as the provisions of any protective orders entered in this action restrict the communication and use of the documents produced thereunder, such orders shall continue to be binding after the conclusion of this litigation, except (a) that there shall be no restriction on documents that are used as exhibits in Court unless such exhibits were filed under seal, and (b) that a party may seek the written permission of the producing party or order of the Court with respect to dissolution or modification of such protective orders.
7. In the event that one party disagrees with or otherwise objects to the other’s designation of materials as “Confidential,” “For Counsel Only,” or “Attorneys' Eyes Only,” that party should promptly file a motion with the court(s). The court shall have the final determination.

Dated this 25th day of October, 2010.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge