

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JOHN DOE

CASE NO. 1:12-CV-00818

Plaintiff

vs

Judge Sandra S. Beckwith

MASON CITY SCHOOL DISTRICT
BOARD OF EDUCATION

Magistrate Judge Karen L. Litkovitz

DR. KEVIN BRIGHT

MIND McCARTY-STEWART

**SUPPLEMENTAL
STIPULATED PROTECTIVE ORDER**

DR. DAVID ALLEN

GEORGE COATES

STACY LYNN SCHULER

JOHN ROES 1-20

Defendants

This Protective Order regarding discovery of any form whatsoever that concerns the information listed below, is entered pursuant to FRCP Rule 26(c). This Protective Order supplements but does not alter the Protective Order granted by the Court on March 7, 2013. The Court hereby orders that such discovery should be subject to the following terms and conditions:

1. That discovery provided pursuant to this Protective Order, including but not limited to: (1) Plaintiff's medical and counseling records, educational records and student file; and (2) any and all personally identifiable information from an education record of a student that is protected by the Family Education Rights and Privacy Act, 20 U.S.C. §1232g; 34 C.F.R. Part 99 and O.R.C. §3319.321, shall not be shown to, furnished to, or otherwise disclosed to anyone other than the Court, Plaintiff, Defendants, counsel of record, persons directly assisting counsel of record, witnesses at depositions and witnesses in preparation for trial or deposition. For

purposes of this Protective Order, the phrase “persons directly assisting counsel of record” means other persons employed in the counsel of record’s office, court reporters, claim adjusters for the Defendants’ insurer, and experts or outside consultants retained by counsel of record to assist in the preparation of their case.

2. All copies of discovery provided pursuant to this Protective Order, shall be stamped in advance with the legend, “Confidential,” or so noted upon the first page of an exhibit. All documents produced in response to a party’s discovery requests are automatically considered “Confidential” pursuant to this Protective Order and do not need to be so stamped.

3. That the Plaintiff, Defendants, counsel of record and persons directly assisting counsel of record shall not show, furnish, or otherwise disclose discovery provided pursuant to this Protective Order, to anyone other than the Court, witnesses at depositions, potential witnesses, experts or outside consultants or each other.

4. That any and all copies of discovery provided pursuant to this Protective Order and/or the data and information contained therein, shall be returned the party providing same or shredded upon the termination of this case.

5. That the discovery provided pursuant to this Protective Order and/or the data and information contained shall not be used for any purpose other than preparation and presentation of the Plaintiff’s and Defendants’ cases and shall not be used in any lawsuit, claim, or cause of action other than Case No. 1:12 CV-00818 , currently pending in the United States District Court, Southern District of Ohio, Western Division.

6. That the discovery provided pursuant to this Protective Order and/or the data or information contained therein, if filed with the Court as exhibits or depositions or as trial exhibits or as exhibits to a pleading, motion, memoranda, brief or other documents, shall be filed under seal and shall be accessible only to the Court, court reporters, Plaintiff, Plaintiff’s counsel

of record, Defendants and Defendants' counsel of record. This Protective Order does not authorize filing protected materials under seal. No document may be filed with the Court under seal without prior permission as to each such filing, upon motion and for good cause shown, including the legal basis for filing under seal. *See Procter & Gamble Co. v. Bankers Trust Co.*, 78 F.3d 219 (6th Cir. 1996). Unless the Court orders otherwise, all sealed documents shall be filed according to S.D. Ohio Civ. R. 79.3.

7. That any person directly assisting counsel of record to whom the discovery is provided pursuant to this Protective Order and/or the information contained therein, is shown, furnished, or otherwise disclosed, shall be shown a copy of this Protective Order and shall be subject to its terms. He or she shall also acknowledge his or her understanding of the Order by signing a copy of the same in counsel's possession. An attached acknowledgment form is provided as Exhibit A.

8. To the extent a document contains personally identifiable information from an education record of a student that is protected by the Family Education Rights and Privacy Act, 20 U.S.C. §1232g; C.F.R. Part 99, Defendant Mason City Schools Board of Education will, prior to production of the document, make a reasonable effort to notify the parent or eligible student of this order so that the parent or eligible student may seek protective action, if desired. The notification to the parent or eligible student will indicate the date on which the document will be produced in the absence of the parent or eligible student obtaining protective relief.


9. This Protective Order shall not prevent any of the parties or any third party from applying to the Court for relief therefrom, or from applying to the Court for further or additional Protective Orders, or from agreeing between themselves in writing to modification of this Protective Order, subject to the approval of the Court.

10. That the parties acknowledge and understand that the Court retains its inherent

right to alter the provisions of this Protective Order when the Court believes the interests of justice will be served by any such alteration.

Date: 10/24/13

IT IS SO ORDERED


Karen L. Litkovitz, Magistrate Judge
United States District Court

SO STIPULATED:

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**ACKNOWLEDGMENT OF CONTENTS
OF STIPULATED PROTECTIVE
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JOHN ROES 1-20

Defendants

EXHIBIT A

I, _____, have read and know the contents of the Stipulated Protective Order dated _____, and agreed to be bound by its terms and conditions. I agree that I shall keep in strict confidence any and all confidential information which has been disclosed to me pursuant to the Stipulated Protective Order and I will not use or refer to any confidential information other than in connection with the above entitled action and as provided in the Stipulated Protective Order. I also agree that, upon being notified by counsel of the termination of the above referenced lawsuit, I will return all confidential information to the counsel for the party who furnished me the confidential information and I will destroy all notes and memoranda which I have generated relating to the confidential information.

/s/ _____

Print Name _____

Date: _____