

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

TONYA S. MURPHY	:	
Plaintiff,	:	Case No. 2:07-cv-00959
vs.	:	JUDGE SARGUS
CITY OF JACKSON, <i>et al.</i> ,	:	MAGISTRATE JUDGE ABEL
Defendants.	:	

**AGREED PROTECTIVE ORDER**

The parties hereto having stipulated to the entry of a Protective Order under Rule 26(C), Ohio Rules of Civil Procedure, and it appearing to the Court that such an Order is necessary, appropriate and will facilitate discovery, IT IS HEREBY ORDERED THAT:

1. The parties hereby designate as "CONFIDENTIAL" plaintiff's medical records from Woodland Centers, Inc., and Holzer Clinic. "CONFIDENTIAL" documents:
  - (a) Shall be disclosed by the parties to no one except the parties (for defendant City of Jackson, "party" may include City of Jackson employees and designated representatives in this litigation), their attorneys (including the staff, secretarial and clerical personnel of such counsel), any experts or consultants retained by the parties, and to witnesses in preparation for or at deposition, or to witnesses in preparation for or at trial. Any person listed above, except a party and its/his attorney of record (including respective staff), to whom "CONFIDENTIAL" information will be provided shall first agree to abide by the terms of this Protective Order by signing the Agreement to Protective Order attached as Exhibit A. In no event shall a

witness be permitted to retain a CONFIDENTIAL document or any copies thereof.

- (b) Shall be maintained in confidence by the parties and their attorneys, experts and consultants;
- (c) Shall be used only for the purpose of this litigation by the parties and their attorneys, experts and consultants; and
- (d) Shall not otherwise be disclosed or used by the parties, their attorneys, experts and consultants.

2. Any summaries or notes prepared from any document marked “CONFIDENTIAL” are subject to the provisions of this Protective Order.

3. The production of any document marked “CONFIDENTIAL” hereunder shall not constitute a waiver by either party of its right to refuse to produce said document on any grounds in any other litigation, or waiver by either party of its right to object to the admissibility into evidence of any said document at trial, including the trial of the within action.

4. This order shall not be deemed to encompass documents or information that is available in the public domain.

5. The parties shall not file with the Court (except under seal in an envelope marked with the caption of the case, a list of contents, and the following notation: "Contains Confidential Information; To be opened only by or as directed by the Court"), any document, brief, pleading, discovery, or answers to discovery, including interrogatories, requests to produce, or deposition transcripts, which contain the CONFIDENTIAL documents or information from the CONFIDENTIAL documents, unless otherwise ordered by the Court, or mutually agreed upon by the parties.

7. At the conclusion of this suit, by judgment or otherwise, the CONFIDENTIAL documents, including those provided to experts or consultants, shall be returned to the producing party along with all copies thereof, at the written request of the producing party.

8. Either party may bring before the Court, for ruling thereon, any problems or difficulties which arise as a result of this Order, or for the purposes of modifying the Order, or for an Order declaring documents designated CONFIDENTIAL by a party as not confidential. Until the Court rules on such motion, documents designated as CONFIDENTIAL still remain confidential under the terms of this Order.

SO ORDERED:

s/Mark R. Abel  
MAGISTRATE JUDGE ABEL

AGREED:

/s/John S. Marshall  
John S. Marshall (0015160) ([jmarshall@marshallandmorrow.com](mailto:jmarshall@marshallandmorrow.com))  
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**AGREEMENT TO PROTECTIVE ORDER- EXHIBIT A**

I, \_\_\_\_\_, acknowledge that I have received a copy of the Agreed Protective Order entered in this action, and I have read the Order, agree to abide by all of its provisions, and agree to submit to the jurisdiction of this Court for the Order's enforcement.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Printed Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_