

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO

MEGAN STANLEY-BOND,	:	Civil Action No. 3:11-CV-289
	:	
Plaintiff,	:	Judge Thomas M. Rose
	:	
vs.	:	
	:	
THE PARADIES SHOPS, INC.,	:	
	:	
Defendant.	:	

**STIPULATED PROTECTIVE ORDER**

Defendant, The Paradies Shops, Inc., served a subpoena on the Ohio Department of Job & Family Services (ODJFS) for the production of certain documents concerning the unemployment file of Megan Stanley-Bond. The information that Defendant is requesting relates to Plaintiff's claim for benefits arising out of her employment with Defendant.

Ohio Revised Code 4141.22(A) provides that no person shall disclose any information that is maintained by ODJFS, unless such disclosure is permitted under R.C. 4141.21. The statute further provides that no person in the employ of ODJFS *shall* divulge any information maintained by ODJFS. Violation of the statute is cause for discharge of the ODJFS employee.

However, in *Freed v. Grand Court Lifestyles, Inc.*, 100 F. Supp. 2d 610, a case dealing with the same type of information that is requested here and with the same statute, the Court concluded that there is no federal common law privilege that would exempt the requested information from disclosure. The Court overruled the motion to quash subpoena and motion for protective order and ordered the State of Ohio to produce the information that the Plaintiff had

provided herself to the agency relating to the Defendant. The Court ordered the production of the discoverable information under seal.

Therefore, ODJFS agrees to produce the requested information, if it exists, under seal, per the terms of this Order.

Accordingly, it is so ORDERED.

That the produced documents be marked "CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER."

That such information and documents be considered confidential, and shall be disclosed under seal, subject to inspection only by:

1. The parties to this litigation and their agents;
2. Counsel for the parties to this litigation, including their support staffs;
3. The Judge, the Court and their staff;
4. Court reporters and recorders engaged in this action;
5. Consultants, investigators, or experts (referred to collectively as "experts") employed by the parties or counsel for the parties to assist in the preparation and trial of this action or proceeding; and
6. Other persons only by written consent of the producing party or upon order of the Court and on such conditions as may be agreed or ordered.

Counsel for the parties shall take reasonable and appropriate measures to prevent unauthorized disclosure of documents pursuant to the terms of this Order.

If a party intends to present at trial any of the documents pursuant to the terms of this Order, then such party shall provide advance notice to the other party at least five (5) days before commencement of trial by identifying the documents or information at issue as specifically as possible (i.e., by Bates number, page range, deposition transcript lines, etc.) without divulging the actual documents or information. The Court may thereafter make such orders as necessary to govern the use of such documents or information at trial.

This Order shall be subject to modification by the Court on its own motion or on motion of a party or any other person with standing concerning the subject matter. Motions to modify this Order shall be served and filed under Local Rule 7.1.

This Order is entered based on the representations and agreements between the State of Ohio and the parties for the purpose of facilitating discovery.

*So Ordered this Tenth Day of October, 2012*

s/Thomas M. Rose

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UNITED STATES DISTRICT JUDGE

WE SO STIPULATE and agree to abide by the terms of this Order.

s/ Patria V. Hoskins

Patria V. Hoskins  
Health and Human Services Section  
30 E. Broad Street, 26<sup>th</sup> floor  
Columbus, Ohio 43215-3400  
614.466.8600  
866.490.2751 Fax  
[patria.hoskins@ohioattorneygeneral.gov](mailto:patria.hoskins@ohioattorneygeneral.gov)  
Assistant Attorney General for ODJFS

s/ Wes R. McCart

Wes R. McCart  
Alston & Bird LLP  
1201 W. Peachtree Street  
Atlanta, GA 30309  
404.881.7653  
404.881.8354 Fax  
[wes.mccart@alston.com](mailto:wes.mccart@alston.com)  
Attorney for the Defendant

s/ Bradd Nathan Siegal

Bradd Nathan Siegal  
Porter, Wright, Moris & Arthur LLP  
41 South High Street, Suite 3200  
Columbus, Ohio 43215-6194  
614.227.2000  
614.227.2100 Fax  
[bsiegel@porterwright.com](mailto:bsiegel@porterwright.com)  
Attorney for the Defendant

s/ David Michael Duwel

David Michael Duwel  
130 W. Second Street, Suite 2101  
Dayton, Ohio 45402  
937.297.1154  
937.297.1152 Fax  
[david@duwellaw.com](mailto:david@duwellaw.com)  
Attorney for the Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that on October 10, 2012, a copy of the **STIPULATED PROTECTIVE ORDER** was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ Patria V. Hoskins  
PATRIA V. HOSKINS  
Assistant Attorney General