

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BABYAGE.COM, INC.,
Plaintiff-Counterclaim Defendant,

v.

LEACHCO, INC.,
Defendant-Counterclaim Plaintiff/
Third Party Plaintiff,

and

JAMIE S. LEACH,
Counterclaim Plaintiff/
Third Party Plaintiff,

v.

JOHN M. KIEFER, JR.,
Third Party Defendant.

No. 3:07-cv-01600-ARC
(Judge A. Richard Caputo)

PROTECTIVE ORDER

IT IS HEREBY ORDERED, as follows:

(1) Unless otherwise ordered pursuant to this Order, none of the documents, materials, testimony or information generated or produced during discovery in this action and designated by any party as "CONFIDENTIAL", shall be revealed or disclosed, in whole or in part, or described, in whole or in part, to any person other than:

- (a) the parties' attorneys who are involved in the prosecution or defense of this action,
- (b) employees of such attorneys, who are involved in the prosecution or defense of this action,
- (c) expert witnesses who have been retained or consulted to assist in the prosecution or defense of this action, and

(d) the trial judge in this action, and administrative personnel of the trial judge's office,

and none of the documents, materials, testimony or information so designated as "CONFIDENTIAL" shall be used by any recipient authorized in subparagraph (a) through (d) above for any purpose other than the prosecution or defense of this action.

(2) Documents, materials, testimony or information may be designated by a party as "CONFIDENTIAL" by a written notice to the non-designating party or parties describing the designated documents, materials, testimony or information. Alternately, documents may be designated as "CONFIDENTIAL" by marking a document with the notation "CONFIDENTIAL." Alternately, information and testimony generated during depositions may be designated as "CONFIDENTIAL" by the making of a statement on the record that confidential treatment under this Order is requested. Documents, including transcripts, which have been designated as "CONFIDENTIAL", or which contain information designated as "CONFIDENTIAL", and which are filed with the Court, shall be filed in sealed envelopes bearing the title of the case and the prominently displayed notation: "CONFIDENTIAL: NOT TO BE OPENED EXCEPT BY COURT ORDER."

(3) Each party will designate as "CONFIDENTIAL" only those documents, materials, testimony and information which they in good faith believe to be a trade secret or other confidential research, development, or commercial information, or which will cause a party or person annoyance, embarrassment or oppression, within the meaning of Rule 26(c) of the Federal Rules of Civil Procedure.

(4) In the event that any entity or person subject to this Order receives a subpoena, civil investigative demand or other process or request seeking disclosure of any document or information designated as "CONFIDENTIAL", such entity or

person shall serve immediate written notice of such request to all parties, together with a copy of such process.

(5) Each recipient authorized by this Order, to whom "CONFIDENTIAL" information, documents, materials or testimony has been disclosed, or is disclosed pursuant to this Order, shall be advised that it is subject to the terms of an order of the Court, and that the sanctions for any violation of the order include the penalties which may be imposed by the Court for contempt.

(6) This Order shall not terminate upon termination of this litigation. Any documents, transcripts or other materials produced by a party and designated as "CONFIDENTIAL," and all copies thereof, shall be transferred to the designating party when the case is closed and not subject to further review, as determined by the Court.

(7) The Clerk is directed to maintain under seal all pleadings, documents and transcripts of testimony filed in Court in this action which have been designated, in whole or in part, as "CONFIDENTIAL" pursuant to this Order.

(8) This Order shall not be modified except after notice and an opportunity to be heard is accorded all parties.

May 21, 2008
Date


UNITED STATES DISTRICT JUDGE