

- (a) In the case of documents, designation shall be made by placing the legend “Confidential” on the page of any document deemed to contain Confidential Discovery Material.
- (b) In the case of responses to interrogatories or other written discovery, designation shall be made by placing a legend recited in subparagraph (a) above on any page or any response deemed to contain Confidential Discovery Material. Alternatively, responses deemed to contain Confidential Discovery Material may be bound separately and marked with the legend recited in subparagraph (a) above.
- (c) In the case of depositions, designation of any portion of any transcript (including exhibits) deemed to contain Confidential Discovery Material shall be made by a statement of such designation on the record during the course of the deposition, or within thirty (30) business days after receipt of the transcript of the deposition, by letter to opposing counsel setting forth a designation of the confidential portion of the transcript.

3. Distribution of Confidential Discovery Material. Confidential Discovery Material may be used only for the purposes of the above-captioned action (including any appeals) and not for any business or other purpose whatsoever. Confidential Discovery

Material may not be given, shown, made available, or communicated in any way to anyone other than: (I) the parties to this civil action, including a corporate party's owners, directors, officers, and employees; (ii) attorneys for the parties to this civil action, including all attorneys, secretaries, paralegals, and staff of the attorneys' offices; (iii) experts or consultants retained by a party to this civil action or the attorneys representing a party to this civil action; (iv) authors and original recipients of the document; and (v) insurers, reinsurers, auditors, accountants, etc. to whom the parties or their attorneys have a statutory or contractual obligation to transmit information or reports concerning this civil action. Any party providing Confidential Discovery Material to a non-party identified in this paragraph shall first obtain a written agreement from the non-party that the non-party will abide by all terms of this Protective Order.

4. Submission of Confidential Discovery Material to the Court. If

Defendant Granite Re files Confidential Discovery Material with the Court, it shall file such material in a sealed envelope with the following language on the envelope: "The documents contained herein are confidential and have been filed under seal by the Court pursuant to a Protective Order." No Confidential Discovery Material so filed under seal shall be made available to third parties or the public except by further order of this Court.

5. Treatment of Confidential Discovery Material Following Litigation.

Following the final disposition of this civil action, any recipient of Confidential Discovery Material shall destroy all copies of such documents, except attorneys for the

parties may retain a copy as part of their normal file closure and document retention procedures.

6. Challenging Confidential Designation. If any party believes Confidential Discovery Material has been improperly designated or not designated as CONFIDENTIAL, then the parties shall meet and confer in a good faith attempt to resolve the dispute, only after which time may a motion be filed seeking the Court's resolution of the dispute.

7. Scope of Protective Order. Nothing herein shall be deemed to limit any party's rights to discovery in connection with this action, or to restrict the prosecution, defense or settlement of this litigation.

This Protective Order may be modified by the Court for good cause.

Dated this 27 day of September, 2010.

BY THE COURT:


KAREN E. SCHREIER
CHIEF JUDGE

ATTEST:
Joseph A. Haas, Clerk

By _____, Deputy