

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

RICKY B. PERRITT, Individually; §
THE CUPCAKERY, LLC, a Texas Limited §
Liability Company; BUSTER BAKING, §
LLC, a Texas Limited Liability Company; §
THE WOODLANDS BAKING, LLC, §
a Texas Limited Liability Company; §
CUSTOM VERSION CORPORATION, §
a Texas Corporation, §

Plaintiffs, §

Civil Action No. 4:11-CV-23

v. §

PAMELA F. JENKINS, Individually; and §
THE CUPCAKERY LLC, a Nevada §
Limited Liability Company, §

Defendants. §

**DEFENDANTS’ MOTION FOR ENTRY OF PROTECTIVE
ORDER REGARDING CONFIDENTIAL INFORMATION**

Defendant Pamela F. Jenkins (“Jenkins”) and Defendant The Cupcakery, LLC, a Nevada Limited Liability Company (“Nevada Cupcakery”) (collectively, Jenkins and The Nevada Cupcakery are the “Defendants”) hereby file this, their Motion for Entry of Protective Order Regarding Confidential Information, and would show the Court as follows:

GROUNDS FOR MOTION

1. Defendants move for entry of a Protective Order in this matter. The Settlement Agreement attached to the Original Complaint is confidential, as are recipes, customer and vendor lists, and other proprietary information of the parties. In fact, both Plaintiffs and Defendants have filed various pleadings under seal in this matter to protect confidentiality.

2. On February 4, 2011, counsel for Plaintiffs requested that counsel for Defendants

**MOTION FOR ENTRY OF PROTECTIVE ORDER
REGARDING CONFIDENTIAL INFORMATION**

draft and circulate a proposed Protective Order. Counsel for Defendants circulated a draft Protective Order to counsel for Plaintiffs on February 14, 2011. *See* attached Exhibit A. Having received no response thereafter, counsel for Defendants re-circulated the draft Protective Order to counsel for Plaintiffs on March 8, 2011. *See* attached Exhibit B. Counsel for Defendants followed up with counsel for Plaintiffs on April 20, 2011 regarding the Protective Order, and counsel for Plaintiffs indicated he would review the Protective Order and respond with comments. Having received no response, on April 27, 2011, counsel for Defendants requested counsel for Plaintiffs respond regarding the draft Protective Order by close of business on April 29, 2011, or counsel for Defendants would submit a motion for entry of the Protective Order as an opposed motion. To date, counsel for Plaintiffs has not provided any input or comments to the draft Protective Order.

3. Having received no response, comments and/or changes to the draft Protective Order from counsel for Plaintiffs, Defendants hereby make request that the terms and provisions of the draft Protective Order, which is attached in both Exhibits A and B, be entered in this cause for the benefit of all parties so that discovery may proceed in this case.

Respectfully submitted,

/s/Jodie A. Slater

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ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of May, 2011, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Michael J. Whitten
Michael J. Whitten & Associates, P.C.
218 N. Elm Street
Denton, Texas 76201

Clyde M. Siebman
Bryan H. Burg
Stephanie R. Barnes
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/s/Jodie A. Slater

Jodie A. Slater

CERTIFICATE OF CONFERENCE

I hereby certify that I circulated the draft Protective Order to counsel for Plaintiffs on February 14, 2011, again on March 8, 2011, requested input on April 20, 2011 and again on April 27, 2011, and having received no response from counsel for Plaintiffs, submit this Motion to the Court as an opposed motion.

/s/ Jodie A. Slater

Jodie A. Slater