

United States District Court  
Southern District of Texas

**ENTERED**

September 14, 2016

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

SHENITA CARSON, *et al.*,

Plaintiffs,

v.

CENTER FOR EXCELLENCE IN HIGHER  
EDUCATION, INC.,

Defendant.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. H-16-1231

**ORDER**

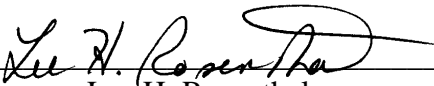
The parties have filed an agreed protective order. (Docket Entry No. 15). The order must be revised to include a provision stating that if materials designated as confidential are filed with the court in connection with a motion, hearing, or trial, the party seeking to maintain them under seal must make a good-cause showing. That showing is not met simply by showing that a party designated the documents as confidential when they were exchanged in discovery. The provision must state that when documents designated as confidential are filed with the court, they may initially be filed under seal but will not be maintained under seal unless the party designating them as confidential files a motion to do so. That motion must be filed 7 days after the filing, must show good cause for sealing the documents, and must state whether the opposing party contests filing the documents under seal.

The proposed order must also include a provision under Rule 502(d) of the Federal Rules of Evidence stating that production in this litigation does not waive attorney-client privilege or work-product protection, a broader protection than the parties have provided. This must replace the material at Paragraph 14 of the current agreed protective order, which is unnecessarily limited

to inadvertent disclosures of privileged information and to resolution under Rule 26(b)(5)(B) of the Federal Rules of Civil Procedure.

The parties may file a revised protective order no later than September 26, 2016.

SIGNED on September 14, 2016, at Houston, Texas.

  
\_\_\_\_\_  
Lee H. Rosenthal  
United States District Judge