

The Honorable Ronald B. Leighton

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAVID L. WELSH,

Plaintiff,

v.

METROPOLITAN LIFE INSURANCE
COMPANY; AND DELOITTE & TOUCHE
GROUP INSURANCE PLAN,

Defendant.

No.: CV04-5143 RBL

**Protective Order Re MetLife's Financial
Information**

[Proposed by MetLife]

THIS MATTER having come on regularly for hearing before the undersigned Judge of this Court, upon the parties' CR 37 Submission Regarding Interrogatories 10 and 11 (Dkt. ____), and the Court having considered the motion and papers filed in support of the motion,

including:

1. The parties' joint CR 37 Submission Regarding Interrogatories 10 and 11;
2. Declaration of Laura Sullivan;
3. Declaration of Brian Keeley and its attachments;
4. Declaration of Steven P. Krafchick;
- 5.

Based on the motion and papers filed in support of the motion, the Court finds and

1 orders as follows:

2 1. Plaintiff propounded written discovery requests in this matter seeking
3 information and documents concerning MetLife's structural conflict of interest with respect
4 to its administration of plaintiff David Welsh's ("Welsh") claim for long-term disability
5 benefits. MetLife produced all information ordered by the Court to be provided to Plaintiff,
6 with the exception of certain limited financial information not publicly available and
7 requested in plaintiff's Interrogatories 10 and 11. MetLife asserted in its written discovery
8 response, and contends in this motion, that such information is proprietary and confidential,
9 and that MetLife is entitled to an order that it shall not be used except in this litigation, and
10 shall not be disseminated publicly. The documents to be produced by MetLife have been
11 shown to the Court's satisfaction to be proprietary and confidential, and therefore MetLife is
12 entitled to permanent protection of such documents pursuant to Federal Rule of Civil
13 Procedure 26(c). The financial information sought in Interrogatories 10 and 11 may
14 hereafter be referenced as "Confidential Information."

15 2. "Qualified Person" as used herein means: (i) members, employees, counsel, or
16 co-counsel of Steven Krafchick, (ii) plaintiff David Welsh, and (iii) this Court and its
17 personnel, and (iv) any court reporter involved in proceedings in which such documents are
18 to be used.

19 3. Confidential Information may be disclosed by Welsh and/or Welsh's counsel
20 only to Qualified Persons and then only to the extent that Welsh's counsel in good faith
21 believes that such disclosure is reasonably necessary to the prosecution of this litigation.

22 4. Each Qualified Person will maintain the Confidential Information in
23 confidence and will not reveal it to anyone who is not a Qualified Person without the prior
24 written consent of MetLife's counsel, or in the absence of such consent, an order of the Court
25 authorizing such disclosure.

26 5. Counsel for the parties may, in the course of deposing a person who is not a

1 Qualified Person, show the witness Confidential Information and examine the witness
2 concerning such information provided that (a) the witness has read this Order and agreed in
3 writing to be bound by it; and (b) no persons are present during those portions of the
4 examination concerning Confidential Information except the witness, Qualified Persons,
5 MetLife's and Welsh's counsel, and a court reporter.

6 6. The transcript of deposition testimony containing or reflecting Confidential
7 Information shall be bound separately, marked by the court reporter as "Confidential," and
8 treated as Confidential subject to the terms of this Order.

9 7. If either party wishes to use Confidential Information during any motion
10 practice or trial of this action, the Parties will submit such materials under seal, pursuant to
11 the Local Rules of this Court. Documents filed with the Court that are designated
12 Confidential or contain or discuss Confidential Information shall be filed under seal and kept
13 under seal absent a further order of the Court. Where possible, however, only the
14 Confidential portions of filings with the Court shall be filed under seal.

15 8. At the conclusion of this lawsuit (including appeals, if any), all Confidential
16 Information in the possession of any Qualified Person or any other person who has received
17 such information pursuant to this Order, together with all copies, extracts, and summaries
18 thereof, shall be returned to MetLife. All Qualified Persons who have copies of confidential
19 information, or documents reflecting or containing Confidential Information, shall within ten
20 days after all proceedings in this case are concluded, provide to counsel for MetLife an
21 affidavit verifying that all Confidential Information in such person's possession, custody or
22 control has been returned to counsel for MetLife, and that the individual has not made or
23 retained any copies of the Confidential Information, or, if copies were made, that all such
24 copies have been returned together with the original documents. No Confidential
25 Information may be used in any other judicial or other proceeding or for any other purpose
26 whatsoever, except (i) where required by legal process, or (ii) upon the written consent of

1 MetLife.

2 9. This Order may be modified by a stipulation of the parties, if so ordered by the
3 Court, or by the Court on the application of a party if the parties are unable to agree. This
4 Order shall be binding upon all Qualified Persons and upon all other persons having
5 knowledge of its terms, and any violation thereof may be punishable by contempt.

6 Dated: June 3, 2010.

7 
8 RONALD B. LEIGHTON
9 UNITED STATES DISTRICT JUDGE

10 *Presented by:*

11 Bullivant Houser Bailey PC

12 /s/ Brian K. Keeley

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