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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Equal Employment Opportunity
Commission,

Plaintiff,

vs.

The Boeing Company, a Delaware
corporation,

Defendant.

Case No. CV05-3034-PHX-FJM

**PROTECTIVE ORDER REGARDING
RENEE WREDE AND ANTONIA
CASTRON'S CONFIDENTIAL
MEDICAL AND/OR MENTAL
HEALTH INFORMATION**

11 **IT IS HEREBY ORDERED THAT:**

12 **A. INFORMATION SUBJECT TO THIS PROTECTIVE ORDER**

13 1. All information disclosed by the Parties, their employees, professional
14 advisors, and experts through discovery in this action, which has been designated as
15 "Confidential Information," as defined below, shall be subject to this Protective Order
16 entered pursuant to the provisions of Rule 26(c) of the Federal Rules of Civil Procedure.

17 2. "Confidential Information" as used herein means any type or classification of
18 records regarding Renee Wrede and Antonia Castron's medical and/or mental health,
19 whether it be a document, information contained in a document, information revealed in an
20 interrogatory answer or otherwise.

21 3. The Parties shall designate any information regarding Plaintiff's medical
22 and/or mental health as Confidential Information. Confidential Information shall be
23 designated by marking the initial page "**CONFIDENTIAL**" and/or designating in writing,
24 by reference to Bates numbers, "**CONF #####**." The parties shall not be deemed to have
25 waived any right to designate documents as confidential by allowing inspection of such
26 documents prior to a designation of such documents as confidential under this Order. In lieu
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1 of marking the original documents, the parties may mark in this manner the copies that are
2 produced or exchanged.

3 4. "Qualified person" as used herein means:

4 a. Renee Wrede, Antonia Castron, and the parties to this action, through
5 their corporate officers, directors, employees and insurance representatives;

6 b. Counsel of record in this action and employees of such counsel to
7 whom it is necessary that the material be shown for purposes of these actions;

8 c. Experts and consulting experts consulted solely for purposes of this
9 action by counsel for a party to this action;

10 d. Mediators, facilitators, or other persons retained by the Parties to assist
11 in settlement negotiations.

12 e. Any other person(s) who all Parties' stipulate to be a qualified person
13 as defined herein;

14 f. Stenographers retained to record testimony in this action; and

15 g. Any other person who is designated as a qualified person by order of
16 the Court, after notice to the other parties.
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18 5. Any information or document designated as confidential, or information as to
19 the source of such Confidential Information or document, shall not be made available to
20 persons other than qualified persons or the party who produced the Confidential
21 Information.

22 6. Each qualified person to whom Confidential Information is disclosed or
23 communicated shall use such information or document solely for the purpose of preparing
24 for and conducting the above-captioned litigation, and such information or documents shall
25 not be used for any other purpose. Each qualified person to whom Confidential Information
26 or documents are disclosed shall be advised that the information or documents are being
27 disclosed pursuant and subject to the terms of this Order and may not be disclosed other
28 than pursuant to the terms hereof.

1 7. The inadvertent or unintentional disclosure by any party of Confidential
2 Information, shall not be deemed a waiver in whole or in part of Plaintiff's claim of
3 confidentiality, either as to the specific information disclosed or as to other information
4 relating thereto or to the same or related subject matter.

5 8. In the event that any party to this action disagrees at any stage of this
6 proceeding with the designation by a party of any information as confidential, the party shall
7 try first to resolve such dispute in good faith on an informal basis. If the dispute cannot be
8 resolved, the objecting party may seek appropriate relief from the Court.

9 **B. RETENTION OF CONFIDENTIAL INFORMATION**

10 1. The attorneys for the parties are directed to retain information designated
11 "Confidential Information" in their custody and control and to take the necessary
12 precautions to prevent persons not qualified persons as defined herein from obtaining
13 access to such information.

14 **C. THIRD PARTY REQUESTS**

15 In the event that, in some other action or proceeding, a party to this case is
16 requested or required (by oral questions, interrogatories, requests for information or
17 documents in legal proceedings, subpoena, civil investigative demand or other similar
18 process or by applicable laws, rules, or regulations) to disclose any information
19 designated "Confidential Information" pursuant to this Stipulated Protective Order by
20 some other party, that party to this case shall take all reasonable steps to prevent
21 disclosure thereof or, if disclosure is required, to see that it occurs only pursuant to a
22 reasonable protective order.

23 **D. TRIAL**

24 The treatment of Confidential Information at trial shall be addressed by the Court and the
25 parties in connection with the joint pretrial order.

26 **E. LIMITATIONS**

27 This Protective Order shall not affect:
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- 1 1. Renee Wrede and Antonia Castron's right to freely use medical and/or mental
2 health information about herself for reasons outside of this litigation;
- 3 2. Any party's right to seek (i) an order compelling discovery with respect to any
4 discovery demand or (ii) an order protecting the party from having to disclose
5 information in response to a discovery demand; or
- 6 3. Any party's right to object to the admissibility of any information on any ground.

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8 **F. FILING UNDER SEAL**

9 Confidential Information may be used or submitted to the Court in connection
10 with any filing or proceeding in this litigation, but the party using it shall cause it to be
11 separately filed under seal with the Clerk of the Court. All items which contain
12 Confidential Information as defined herein to be filed with the Court shall be submitted or
13 filed in accordance with the *Case Management/Electronic Case Filing Administrative*
14 *Policies and Procedures Manual, Section I(1)*. While the Confidential Information must
15 be filed under seal, motions, responsive memoranda, and reply memoranda, which cite to
16 or reference the Confidential Information need not be filed under seal. (Doc. 80).

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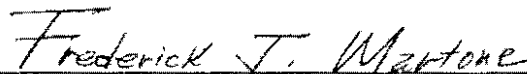
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20 DATED this 28th day of February, 2007.

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24 Frederick J. Martone
25 United States District Judge
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