

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
and)
)
IDAHO HUMAN RIGHTS COMMISSION,)
)
Intervenor Plaintiff,)
)
v.)
)
THE BURRITO SHOPPE LLC, d/b/a)
SQUEEZERS GIANT BURGERS,)
and ALLIED FOOD SERVICE, INC.,)
d/b/a SQUEEZERS,)
)
Defendant and Intervenor Defendant.)
_____)

Case No. CV 05-329-S-LMB

PROTECTIVE ORDER

IT IS HEREBY ORDERED that the terms of the Protective Order shall be as follows:

RECITALS

1. WHEREAS the Nampa Police Department has been served with a subpoena requesting the production of various records and other documents in its possession;
2. WHEREAS some requested materials and information have been or may be asserted to be confidential and privileged;
3. WHEREAS the Nampa Police Department may be willing to produce said materials and information under the terms of an appropriate Protective Order; and

4. WHEREAS, the following Protective Order shall govern the production of confidential and privileged information by the Nampa Police Department in the above-captioned litigation:

PROTECTIVE ORDER

1. It is acknowledged that documents to be produced may or may not be marked with identification that they are protected by a Protective Order, but it is understood and agreed that this Order shall apply to such documents.

2. The documents shall not be filed with the Clerk of the Court, except such portions thereof as may be necessary for the disposition of any motions or for use at trial. If any of the information is filed with the Clerk of the Court, as herein provided, it shall be filed in a sealed envelope which may only be opened with court approval.

3. The information provided hereunder can be used for the purpose of this litigation and for no other purpose now or in the future without court approval.

4. All protected documents and the information contained therein shall be treated as confidential by the parties and their attorneys who shall not permit disclosure of any such document, its contents or any portion thereof; provided, however, nothing herein shall prevent counsel from exhibiting such documents or disclosing the information contained therein to persons assisting counsel in the preparation of the case for trial, such as experts, consultants, clerical and accounting personnel; to persons who have prepared or assisted in the preparation of such documents; to persons to whom the documents or copies thereof were addressed or delivered; to parties in this case and to employees and former employees of a party who are assisting counsel in the preparation for trial of these actions. Prior to any such disclosures or

exhibition, counsel shall first present a copy of the Protective Order to any such person. All such persons shall assent to and be bound by the terms of this Protective Order, shall not permit disclosure of the documents or the information contained therein other than pursuant to the terms of the Order, and shall return all documents supplied to them as provided in paragraphs 7 and 8 of this Protective Order. Any attorney who provides such documents or information contained therein to anyone, including the named parties, shall first require the person to acknowledge that he/she has read this Protective Order and assents to the terms hereof on the Acknowledgment of Assent (attached hereto as **Exhibit 1**).

5. This Protective Order shall not affect any party's right to assert such other privileges or objections as it may have to other requested discovery. Nor does this Protective Order govern the admissibility or use of such documents or information in evidentiary proceedings. Furthermore, this Protective Order shall not preclude or prohibit the use and disclosure of summary information, statistics and biographical data obtained from the protected documents.

6. This Protective Order shall apply to all documents and information furnished previously or henceforth by the City of Nampa Police Department by interrogatory, request for production, request for admission, or notice of taking deposition by any party for which a claim of confidentiality is raised and shall be treated the same as documents provided under the terms of the Protective Order except that upon final disposition, counsel may retain copies of the transcripts. The transcripts, after final disposition, shall remain subject to the terms of the Protective Order.

7. Any party disputing a claim or legal privilege or confidentiality invoked by any other party, as herein provided, retains the right to challenge such claim and request appropriate authorities and instructions upon a proper motion to the Court.

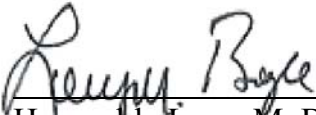
8. Upon final disposition of this case, all copies of protected documents in the possession of the parties hereto or any persons provided access to said documents shall be returned to the counsel who provided the same.

9. Upon final disposition of this case, all copies of protected documents introduced into evidence in the subject action may be withdrawn from evidence and returned to the counsel who provided the same. For purposes of paragraphs 6, 8 and 9 hereof, "final disposition" shall mean settlement or at any time after expiration of the time for appeal, the determination of an appeal, or the determination of a proceeding following an appeal and the expiration of the time for any subsequent appeal, whichever is later.

10. No copies shall be made of protected documents except for use in the present action, subject to the provisions hereof.



DATED: **May 22, 2007.**



Honorable Larry M. Boyle
U. S. Magistrate Judge

EXHIBIT 1

ACKNOWLEDGMENT AND ASSENT TO PROTECTIVE ORDER

I, _____, am either employed by or have been retained by _____ and acknowledge that I have read and reviewed the Protective Order entered in *EEOC et al v. The Burrito Shoppe, LLC, et al*, Case No. 1:05-cv-00329-LMB and assent to be bound by the terms thereof. I understand that if I violate the terms of the Protective Order, I may be held in contempt of court.

Dated this ____ day of _____, 200__.
