

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**



EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Plaintiff,)	
)	No. 04 C 5301
v.)	
)	Judge Anderson
)	
BOB WATSON CHEVROLET,)	Magistrate Judge Cole
)	
Defendant.)	
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PROTECTIVE ORDER

In order to preserve and maintain the confidentiality of certain documents and information to be produced in this litigation, Bob Watson Chevrolet (“Watson Chevrolet”) and the Equal Employment Opportunity Commission (“EEOC”), pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, have hereby agreed and stipulated as follows:

Definitions

1) The term “Confidential Information” is defined as any of the following types of information produced by, or pertaining to Bob Watson Chevrolet and its current or former officers, directors, and employees, including class members:

- a) wage, financial or tax information,
- b) social security numbers,
- c) unlisted home address and telephone numbers,

- d) physical and mental health information,
- e) trade secret as defined by the Illinois Trade Secrets Act,
- f) performance evaluations and records of discipline,
- g) criminal history,
- h) credit information,
- i) marital status,
- j) complaints of sexual harassment or retaliation.

2) The term “Confidential Document” refers to a document that contains any of the above types of information defined as “Confidential Information.”

3) As used herein, “disclosure” or “to disclose” shall mean to divulge, reveal, describe, summarize, paraphrase, quote, transmit, or otherwise communicate Confidential Information.

Restriction on Use of Confidential Information

4) Confidential Information shall be utilized only for the purpose of this litigation. During the pendency of this litigation, Confidential Information, including all copies thereof, shall be retained solely in the custody of the parties’ attorneys and shall not be placed in the possession of or disclosed to any other person, except as set forth in paragraphs 5, 6, 7 and 8 below, as otherwise agreed upon by the parties, or upon leave of Court. If, pursuant to paragraphs 5, 6, 7 and 8, Confidential Information is shown to or provided to any person, other than to the parties’ attorneys, clerks, paralegals, secretaries, other support staff in the employ of the attorneys, the Court, its staff, the jury, or the specific party that produced or otherwise had previous access to the Confidential Information (including current or former managers of Defendant if Defendant produced such information) that person must be advised of this Order, given a copy of this Order,

and shall agree in writing to be bound by its terms and submit to the jurisdiction of this Court.

5) Confidential Information protected by this Order shall not be disclosed in any manner, directly or indirectly, to any persons except as follows:

- a. Confidential Information may be used by the parties' attorneys, clerks, paralegals, secretaries, and other support staff in the employ of the attorneys for the purpose of this litigation;
- b. Individuals may review their own records;
- c. Individuals may review Confidential Information which they prepared or received or viewed in the normal course of business;
- d. Confidential Information may be used in all pretrial discovery proceedings, such as depositions, and may be filed in Court, such as in support of or in opposition to summary judgment, or other motions without limitations other than those set forth in this order or by order of Court;
- e. Confidential Information may be reviewed by an expert witness or consultant expressly employed or retained by counsel or a party to this litigation for the purposes of this litigation without limitations other than those set forth in this order or by order of Court; and
- f. Confidential Information may be used at trial and on appeal of this case, without limitations other than those set forth in this order, by the procedures set forth by the trial or appellate court, or by other order of Court.
- g. EEOC class members may review any Confidential Information that Defendant uses or refers to in a deposition or motion, proposes to use as an exhibit at trial, or introduces at a settlement conference.
- h. Confidential information may be disclosed to a court reporter during the course of a deposition.

6) Documents containing the following types of Confidential Information when filed with the Court, shall be filed under seal: personal wage, financial or tax information; social security numbers; unlisted home address and telephone numbers; physical and mental health information; trade secret as defined by the Illinois Trade Secrets Act; criminal history; credit

information; and marital status. The parties must file public pleadings and briefs, but may file sealed supplements if necessary to discuss in detail materials set forth in this paragraph of this protective order. However, such documents can be filed under normal Court procedures if the Confidential Information listed in this paragraph has been redacted or otherwise removed from the document.

7) If non-class members' performance evaluations, discipline records, and complaints of sexual harassment and retaliation form the basis of any discovery motion, the substance of these documents are subject to public disclosure in court filings. If the actual documents need to be filed with the court, non-class members' names and identifying factors shall be redacted. The parties may protect the identities by filing a coded list of employees under seal and referring to the identities of those individuals by their code number in any court filing.

8) This order prohibits disclosure of irrelevant portions of Watson Chevrolet's tax returns and the substance of those portions to any person other than the EEOC's attorneys. This order limits the disclosure of relevant portions of Watson Chevrolet's tax returns to class members and witnesses who have a need to know such information for purposes of this litigation.

Designation

9) A document or portion of a document that a party determines in good faith to contain Confidential Information as defined in paragraph 1 may be designated as Confidential by (1) stamping the word "CONFIDENTIAL" on the document, (2) otherwise indicating that it contains Confidential Information (3) employing other means provided by this order, or (4) using any other reasonable method agreed upon by the parties.

10) A party, may on the record of a deposition or by written notice to opposing counsel

not later than fourteen(14) days after receipt of the deposition transcript, designate any portion(s) of the deposition as confidential if the party determines in good faith that the designated portion(s) contain(s) Confidential Information as defined in paragraph 1. Until expiration of the above fourteen (14) day period, all deposition transcripts will be deemed “Confidential Documents” under this Protective Order and information therein will be deemed “Confidential Information” under this Protective Order unless otherwise agreed to in writing by the parties.

11) Confidential Information may be disclosed beyond the terms of this Order only if all parties consent to such disclosure, or if the Court, after notice to all affected parties, permits such disclosure. If any party wishes to disclose any Confidential Information beyond the terms of paragraphs 5, 6, 7, 8 of this Order, that party shall provide all other parties with reasonable notice in writing of its request to disclose the materials. If the parties cannot resolve their disagreement with respect to the disclosure of any Confidential Information or Confidential Documents, then a party may petition the Court for a determination of these issues. Such Confidential Information or Confidential Documents shall remain confidential as stipulated by this order until the Court rules on the party’s specific petition.

Miscellaneous

12) This Order does not limit the right of any party to object to the scope of discovery in this case.

13) This Order does not constitute a determination of the admissibility or evidentiary foundation for the documents or a waiver of any party’s objections thereto.

14) Upon the final completion of the litigation (including any appeals) the parties shall return to each other or destroy all copies of Confidential Documents. If the documents are

destroyed, Plaintiffs' counsel and/or Defense counsel shall certify in writing that the destruction has taken place. Counsel of record for the Parties, at the termination of the lawsuit shall ensure that any person who has received copies of Confidential Information from or through counsel of record destroys or returns to the producing party such Confidential Information. The obligations to keep information copied from documents confidential shall continue after the completion of this case. Local Rule 26.2(e) governs the disposition of sealed documents maintained by the Clerk of the Court following the conclusion of this case.

15) The production of Confidential Information pursuant to this Order is not intended to constitute a waiver of a privilege or right to claim the trade secret or confidential status of documents, material, or information produced.

16) Either party or an interested member of the public may challenge the sealed filing of particular documents pursuant to this protective order.

AGREED:



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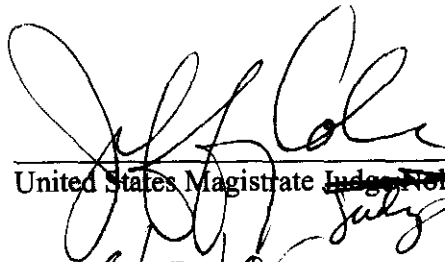
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ENTERED:


United States Magistrate Judge ~~John~~
Date: 8/8/05 July