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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

SALLY M. KINNEY,

Plaintiff,

vs.

HOLIDAY COMPANIES, HOLIDAY
STATIONSTORES, INC., HOLIDAY
DIVERSIFIED SERVICES, INC., and
HOLIDAY ALASKA, INC.,

Defendants.

Case No. 3:07-cv-00147-RRB

PROTECTIVE ORDER

This matter comes before the Court by stipulation of the parties for entry of a Protective Order. Having considered the stipulation, and in order to facilitate the discovery contemplated in this action and maintain the confidentiality of information produced in discovery and/or filed in the official record of this case that contains financial and marketing strategies, proprietary information, trade secrets, and other sensitive information, find that good cause for such an order exists. Accordingly,

IT IS HEREBY ORDERED THAT:

1. Confidential Information. As used in this Order, the term “Confidential Information” includes the following:
 - (a) Non-public financial information;
 - (b) Employee information protected by federal or state law or regulation;
 - (c) Any material or information that the producing party in good faith believes contains information that, if disclosed to a non-party, would cause injury, prejudice, embarrassment, or loss of competitive advantage, and
 - (d) Any other information, documents, or things subject to protection under the law, including, but not limited to, protection under Rule 26(c) of the Federal Rules of Civil Procedure.
2. “Attorneys’ Eyes Only” Information. As used in this Order, the term “Attorneys’ Eyes Only” Information includes any material or information produced in either formal or informal discovery or files in the official record of this case that the producing party in good faith believes contains information that, if disclosed to a party, would cause injury or loss of competitive advantage.
3. Use of Confidential or Attorneys’ Eyes Only Information. Confidential and Attorneys’ Eyes Only Information shall be used solely for the preparation, trial, appeal, and/or settlement of this action. This Order shall not preclude a party or non-party from using or disseminating Confidential or Attorneys’ Eyes Only Information belonging to

that party or non-party.

4. Disclosure of Confidential Information. Confidential Information shall not be given, shown, made available, communicated, or disclosed to anyone other than:

(a) any expert or consultant who is engaged by counsel or a party in this litigation; (b) any person who authored or received the particular Confidential Information sought to be disclosed to that person; (c) any court or other shorthand reporter or typist recording or transcribing testimony; (d) any judge assigned to hear motions or conduct hearings in the above-entitled action; (e) court personnel assisting any judge assigned to hear motions or conduct proceedings in the above-entitled action; (e) the parties; (f) the parties' counsel; and (g) any paralegal, investigator, secretary, or other clerical person assisting the parties' counsel in the above-entitled action.

5. Disclosure of Attorneys' Eyes Only Information. Attorneys' Eyes Only Information shall not be given, shown, made available, communicated, or disclosed to anyone other than: (a) any independent outside expert or consultant who is engaged by counsel in this litigation, whether or not such expert is paid directly by a party; (b) any person who authored or received the particular Confidential Information sought to be disclosed to that person; (c) any court or other shorthand reporter or typist recording or transcribing testimony; (d) any judge assigned to hear motions or conduct hearings in the above-entitled action; (e) court personnel assisting any judge assigned to hear motions or conduct proceedings in the above-entitled action; (e) the parties' counsel; and (f) any paralegal, investigator, secretary, or other clerical person assisting the parties' counsel in

the above-entitled action.

6. Designation of Confidential and Attorneys' Eyes Only Information. Any party or non-party who produces information, documents, or things in discovery, which it believes in good faith to be confidential may designate the same as "Confidential" or "Attorneys Eyes Only" by so marking the information, document, or thing. Deposition testimony and/or exhibits may be designated as "Confidential" or "Attorneys' Eyes Only" either by: (a) stating on the record of the deposition that such deposition, or portion thereof, or exhibit is Confidential; or (b) stating in writing delivered to counsel up to ten (10) days after receipt of the deposition transcript that such deposition, or portion thereof, or exhibit is "Confidential" or "Attorneys' Eyes Only". Without such a designation, all depositions shall be treated as "Confidential" or "Attorneys' Eyes Only" for at least eleven (11) days after receipt of a full and complete transcript.

7. Inadvertent Production. If a producing party inadvertently fails to designate certain information as Confidential or Attorneys' Eyes Only Information or inadvertently makes an improper designation, as determined in the sole discretion of the producing party, the designation may be corrected or made belatedly so long as it is done promptly after learning of the oversight. If a producing party corrects an improper designation or belatedly designates material as Confidential or Attorneys' Eyes Only Information, counsel for the receiving parties shall take reasonable steps to ensure confidentiality of the Confidential or Attorneys' Eyes Only Information and shall retrieve the Confidential or Attorneys' Eyes Only Information from individuals to whom

disclosure was made but would not have been permitted had the material originally been designated as Confidential or Attorneys' Eyes Only.

8. Filing of Confidential and Attorneys' Eyes Only Information. Confidential and Attorneys' Eyes Only Information filed electronically with the Court shall be filed under seal. Confidential and Attorneys' Eyes Only Information filed in hard copy shall be filed under seal bearing the following caption:

This envelope is sealed pursuant to Court Order in Case No. 3:07-cv-00147-RRB and contains Confidential and/or Highly Confidential Information/Attorneys' Eyes Only Information not to be displayed or revealed except by Court Order.

Said envelope shall be maintained under seal and shall not be available to persons other than the Court or persons authorized to have access to such information by this Order.

9. Preservation of Rights and Privileges. Nothing contained in this Order shall affect the right, if any, of any party or non-party to make any other type of objection, claim, or other response to any discovery request, including, but not limited to, questions at a deposition.

10. Return of Confidential and Attorneys' Eyes Only Information. Within 60 days after the conclusion of the above-entitled action, all material containing Confidential or Attorneys' Eyes Only Information, including copies, notes, extracts, or summaries, shall be returned to the counsel who produced it or, if agreed in writing by counsel for the producing party, all such material containing Confidential or Attorneys' Eyes Only Information shall be destroyed, in which case the party destroying it shall certify that it

has been destroyed. Materials that contain or reflect Confidential or Attorneys' Eyes Only Information, but which constitute or reflect counsel's work product, shall be destroyed on termination of litigation.

11. Term. The provisions of this Order shall continue to be binding on conclusion of the above-entitled action. This Order shall remain in effect until modified, superceded, or terminated by the consent of the parties or by Order of the Court.

DATED:

April 23, 2008


United State District Court Judge

CERTIFICATE OF SERVICE

This certifies that on this 22nd day of April, 2008, a true and correct copy of the foregoing document was served electronically on:

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s/Wendy E. Leukuma

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