

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

A.J. PLASTIC PRODUCTS, INC.,
a division of Koller
Enterprises, Inc.,

Plaintiff,

v.

Case No. 04-2267-DJW

SANDRETTO USA, INC.,

Defendant.

SPECIAL JOINT CONFIDENTIALITY AND PROTECTIVE ORDER

This matter comes before the Court upon the joint request of the parties to enter a Confidentiality and Protective Order. The parties advise the Court that they have resolved their disagreement over the protective order language and now jointly request that the Court enter the following confidentiality and protective order, and it appearing to the Court that:

Plaintiff desires to inspect Sandretto sales and repair records concerning the sales and repairs of Sandretto models Mega 550 and 610. Defendant objects to such an inspection on the grounds that it is unduly burdensome, irrelevant, and will only increase the costs of this litigation and delay its conclusion. By permitting this inspection, Sandretto has not agreed that it will waive any claim for damages or sanctions. Similarly, by agreeing to this Special Joint Confidentiality and Protective Order, plaintiff is not stipulating or agreeing that the inspection is in any way improper.

After reviewing the pleadings, hearing statements and arguments of counsel, the Court hereby enters the following Special Joint Confidentiality and Protective Order.

Counsel for Sandretto was also retained by HPM/Taylors, which has custody of the records and which is not a party to this litigation, for the limited purpose of seeking a protective order because of issues raised regarding the proposed inspection of the records. Those issues were raised in Defendant's Motion for Protective Order, Doc. 189-1, filed December 14, 2005, in this action. This Special Joint Confidentiality and Protective Order between plaintiff Koller Enterprises, Inc., d/b/a A.J. Plastic Products, Inc., and Defendant Sandretto U.S.A. resolves the issues of concern raised by and on behalf of nonparty HPM/Taylors, and HPM/Taylors will not be further involved in this action.

1. Plaintiff's counsel and his law clerk may inspect the existing Sandretto USA sales and repair records from models Mega 550 and 610.

2. Counsel for Sandretto has advised that it will be necessary for a lawyer from his firm to review the records in advance to protect against disclosure of any work product, attorney-client privilege, proprietary or other confidential information. Any such documents removed shall be listed in the privilege log, which privilege log shall be furnished to plaintiff's counsel in a timely fashion. If plaintiff desires to challenge any items on the privilege log, the matter shall be submitted to the Court if the parties are unable to resolve the issue.

3. During the inspection, counsel for plaintiff may mark for copying any documents for sales or repair of Sandretto models, Mega 550 and 610, and counsel may make any notes of such documents during the inspection.

3. If defendant wishes to challenge documents marked for plaintiff's counsel for copying and the parties are unable to agree to their differences, the matter may be submitted to the Court for resolution. In that event, Sandretto's counsel should make a copy of the documents marked by plaintiff,

and keep them segregated for an *in camera* review by the Court, if the Court deems necessary, or for production to plaintiff's counsel, if the Court so orders.

4. The parties recognize and agree that Sandretto USA and the successor purchaser of its manufacturing business, HPM Taylors, have existing customer relationships with the companies identified in the documents. Neither plaintiff, its counsel, or anyone acting on their behalf, shall have contact with any customers of Sandretto, absent written agreement by Mr. Thomas Buchanan, counsel for defendant Sandretto U.S.A., or, if the parties cannot agree, the matter shall be submitted to the Court.

IT IS SO ORDERED.

Dated this 27th day of January, 2006.

s/ David J. Waxse
David J. Waxse
U.S. Magistrate Judge

Submitted by:

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