## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

MARTIN CIGICH,	)	
	)	
Plaintiff,	)	
v.	)	Case No. 05-CV-02455-JWL-DJW
	)	
CITY OF BASEHOR, KANSAS,	)	
	)	
Defendant.	)	

#### **PROTECTIVE ORDER**

NOW on this 6th day of January, 2006, the parties' Joint Motion for Protective Order (doc. 10) comes on for consideration by the Court. The parties have jointly requested a Protective Order because they seek to discovery and/or produce information, documents and things including, but not limited to, medical records, personnel files of parties and non-parties, criminal investigation records, internal policies and procedures of law enforcement agencies and other similar matter.

Due to the nature of the allegations contained in Plaintiff's Complaint, the Court finds that it may be necessary for the parties to produce relevant information, documents and things pertaining to parties and non-parties considered to be confidential pursuant to the Kansas Open Records Act, and are recognized to be confidential by the Kansas Supreme Court in *Berst v. Chipman*, 232 Kan. 180 (1982); 42 U.S.C. § 1320(d) et. seq.; and 45 C.F.R. § 164.512(e)(1). Therefore, this Court finds good cause exist for the entry of this Order.

#### IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. This Protective Order shall govern the following documents or other discovery materials:

(a) documents from the personnel file of any current or former employee of Defendant other than Plaintiff, or other documents which name or otherwise identify any such current or former employee of Defendant other than Plaintiff, and (b) documents that contain financial, medical or proprietary material of Plaintiff or Defendant, which documents

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or materials are produced in response to any discovery requested or obtained by Plaintiff or Defendant in the above-captioned case and are designated "Confidential."

- 2. It is understood by the parties that all such documents specifically so designated by any party, and the information contained in such documents, are confidential as the documents contain personal, financial, medical, proprietary or otherwise confidential information.
- 3. All such documents so designated by any party, and the information contained in such documents, shall be treated as confidential by all persons covered by this Agreement, and shall be used solely for the prosecution or defense of this action. No such document, and no information contained in any such document, shall be disclosed to anyone, in any manner whatsoever, except as provided herein.
- 4. Nothing in the Protective Order shall be construed to prevent counsel for either party from using such documents at hearing or trial in accordance with the Federal Rules of Evidence and Federal Rules of Civil Procedure, or from disclosing such documents, and the information contained in such documents, to persons assisting counsel in the preparation or presentation of either party's case, or from exhibiting any such documents or confidential information to said persons assisting counsel or to deponents during the course of their depositions, or to court reporters. Nothing in the Protective Order shall prevent plaintiff or defendants from using for any other business purpose of plaintiff or defendants the documents or the information contained therein which it produces to plaintiff or defendants.
- 5. Disclosure shall not be made of any such document to any individual including expert witnesses (but excluding counsel or support staff) unless and until counsel shall have first presented to such individual a copy of the Protective Order. All counsel shall require such person to read the Protective Order and to acknowledge reading and understanding the terms of the Protective Order by placing his or her signature on a separate sheet attached to the Protective Order. All such persons shall be bound by the terms of the Protective Order and shall

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not permit disclosure or exhibition of the documents, or information contained in such documents, other than

pursuant to the terms of the Protective Order.

6. The parties may consent that a document produced pursuant to discovery may be removed from

the scope of the Protective Order. Such consent shall be indicated in writing addressed to the opposing counsel.

7. If a party considers a document not to be confidential and desires the removal of such designation,

counsel for that party shall discuss the matter with the opposing counsel to ascertain if confidentiality by agreement

may be lifted or narrowed. If agreement of counsel cannot be had, then the Court may, upon application, make such

order as is appropriate in the circumstances.

8. It is further understood that no copies shall be made of any documents produced by either party,

unless necessary in connection with this litigation.

9. The termination of proceedings in this action shall not relieve any person to whom confidential

material has been disclosed from the obligations of the Protective Order, unless the Court orders otherwise.

10. This Order is not rendered to the prejudice of either party to seek further protective orders

throughout the process of discovery or otherwise during this litigation.

IT IS THEREFORE ORDERED that the parties' Joint Motion for Protective Order (doc. 10) is

granted.

IT IS SO ORDERED.

Dated this 6th day of January 2006.

s/ David J. Waxse

David J. Waxse

U.S. Magistrate Judge

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#### **APPROVED BY:**

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MARTIN CI	GICH,		
V.	Plaintiff,	) ) Case No. 05-CV-02455-JWL-DJW	
CITY OF BA	ASEHOR, KANSAS,		
	Defendant. )	)	
	ACKNOWLEDGMI	ENT OF PROTECTIVE ORDER	
The u	undersigned hereby acknowledges th	nat he/she has read the provisions of the Protective Order (the	
"Order") ente	red by the Court in this action on	, 200 and agrees to be bound	
by the terms of	of the Order. Specifically,		
1.	I agree that I will use records and	information subject to the Order only for purposes of this case,	
including any	appeals, and not for any other purp	ose;	
2.	I agree that I will disclose record	s and information protected by the Order only to the Court, the	
parties to this	case and their attorneys of record, po	ersons regularly in the employ of such attorneys, and any experts	
or consultants	hired for this case by the parties or	their attorneys and who (with the exception of the Court and the	
parties' emplo	oyees or counsel) have signed an Ac	eknowledgment Form like this one;	
3.	I agree that I will abide by all oth	ner terms of the Order;	
4.	I hereby confirm that my obligations under this Acknowledgment shall survive the termination of		
this case and a	are binding upon me for all time.		
Dated:		-	
		(Signature)	
		(Printed Name)	