

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MICHELLE R. MERGY,
Plaintiff,

vs.

CITY OF SHAWNEE, KANSAS;
Defendant.

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Case № 07-2500-JWL

PROTECTIVE ORDER

On this 2d day of June, 2008, the above-captioned matter comes for consideration by the Court. The parties have requested a Protective Order because the Plaintiff seeks to discover information regarding City of Shawnee, Kansas' employees that constitutes confidential information. In addition, the parties will seek deposition testimony on these topics and the parties will request that the same be designated as confidential.

Due to the nature of certain of the allegations contained in the Plaintiff's Complaint, the Court finds that it may be necessary for Defendant to produce relevant personnel files, information, documents, and things regarding certain employees. However, the Court also finds that this information is privileged and confidential and that the release of this information through the ordinary discovery process could compromise the confidentiality of these documents.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED:

1. "Confidential Documents" shall include all personnel files and other documentation including any investigative materials regarding City of Shawnee, Kansas employees. These Confidential Documents are considered to be confidential and shall, prior to their production, be designated and stamped "Confidential - Produced Subject to Protective Order" and will be considered subject to and governed by this Protective Order.

2. Confidential Documents shall only be viewed or disclosed to “Authorized Personnel.” Authorized Personnel shall include counsel of record and any person executing Form “A” attached hereto. Except with the prior written consent of the party producing the Confidential Documents, or by order of the Court, Confidential Documents may not be disclosed to any person other than those defined as Authorized Personnel.

3. Counsel to whom Confidential Documents are produced shall maintain said documents in a safe manner, and safeguard the Confidential Documents and not permit them to be inspected by anyone other than Authorized Personnel.

4. Authorized Personnel shall not reveal the contents of the Confidential Documents to any person or otherwise utilize the Confidential Documents in anyway that would publish the information contained therein, other than is necessary to prosecute this action.

5. The Authorized Personnel to whom the Confidential Documents are produced shall not make any additional copies except as may be necessary for the prosecution or defense of this action.

6. Any party seeking to submit to, or file with, the Court a Confidential Document or testimony regarding Confidential Documents must first file a motion for leave to file that particular document or testimony under seal. Any motion for leave to file under seal shall be filed in accordance with the Court’s Administrative Procedures for electronically filing documents under seal.

7. All testimony regarding documents and topics that are deemed confidential shall be under seal if this Court so orders.

8. Authorized Personnel who receive Confidential Documents from either party are ordered to return them, including all copies, to the parties’ counsel within 90 days after the termination of this litigation, including any appeals.

9. This Protective Order does not constitute a ruling on the question of whether any particular document is properly discoverable and does not constitute any ruling on any potential objection to the discoverability of any document.

IT IS SO ORDERED.

Dated in Kansas City, Kansas on this 2d_ day of June 2008.

s/ David J. Waxse

David J. Waxse
U.S. Magistrate Judge

cc: All counsel and *pro se* parties

Approved by:

/s/ James D. Myers
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ATTORNEYS FOR DEFENDANT
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EXHIBIT A

ACKNOWLEDGMENT OF TERMS OF PROTECTIVE ORDER

The undersigned hereby acknowledges that he/she has read and agrees to be bound by the terms of the Protective Order entered in this matter on ____ day of _____, 2008, in Case № 07-2500-JWL in the United States District Court for the State of Kansas, entitled, *Michelle Mergy v. City of Shawnee, Kansas*, and the undersigned agrees that he/she will not reveal any information designated as Confidential and will not use any confidential information for any purpose other than for the prosecution of the lawsuit described herein.

DATE: _____

(Name)

(Address)

(City, State, Zip)

(Telephone Number)

(Title)