

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

TRACIE KARMANN,)	
)	
Plaintiff,)	
)	
vs.)	Case No.: 07-4002-SAC
)	
SEARS, ROEBUCK AND CO.)	
)	
Defendant.)	

**CONFIDENTIALITY AGREEMENT
AND PROTECTIVE ORDER**

The parties stipulate and agree, through their respective counsel, to this confidentiality agreement and to this agreed protective order governing the disclosure, during pretrial discovery and subsequent handling, of proprietary information and other confidential commercial, financial or personal information, and documents containing any such information (hereinafter collectively referred to as "Confidential Documents"), as follows:

1. Sears, Roebuck and Co. ("Sears") will in good faith designate the following documents as the Confidential Documents, and produce portions of the same pursuant to this Stipulated Confidentiality Agreement and Protective Order:

- Sears' Safety and Health Manual, Bates Numbered 000034-000043.
- Sears Online General Safety Training, Bates Numbered 000001-000033.
- Sears Hard Line Incident Report, Bates Numbered 000044-000051.

2. The Confidential Documents produced to plaintiff which are governed by the terms of this Protective Order shall be used for the sole and limited purpose of preparation for and trial of this action and shall not be used for any other purpose.

3. In the event a party wishes to use any information identified as Confidential, any transcripts of any nature or portions thereof, exhibits, answers to interrogatories, responses to requests for admissions, and other documents filed or used in hearings in this action, that party shall file a motion seeking leave to file such information and used therein under seal. In the event the court grants the party's motion, such information shall be maintained under seal by the court and shall be treated as Confidential.

D. Kan. Rule 5.4.6 governing sealed documents currently requires conventional filing for all documents ordered to be placed under seal in civil cases until the Electronic Filing System "has adequate confidentiality procedures for sealed documents." Pursuant to Standard Order 07-03, as of July 19, 2007, the District of Kansas has adopted such adequate procedures for the electronic filing of sealed documents.

Standard Order 07-03 provides in part:

[I]n civil cases, a party filing a motion for leave to file documents under seal shall file that motion electronically under seal in the filing system. The motion for leave to file under seal shall attach as sealed exhibits the document(s) the party wishes to be filed under seal. . . . Finally, the party shall provide the motion and document(s) it wishes to be filed under seal to all other parties in the case. If the motion for leave to file under seal is granted, the assigned judge will enter electronically an order authorizing the filing of the document(s) under seal. The assigned judge will also direct the clerk's office to grant to all attorneys who have entered an appearance in that case . . . the ability to view sealed documents in that case The filing party shall then file its document(s) electronically under seal.

4. No Confidential Documents shall be filed with this Court without the appropriate safeguards.

5. At the conclusion of all aspects of this action, and at the written request of Sears, counsel for plaintiff and other parties shall return all Confidential Documents and all copies thereof in accordance with this Order and all copies thereof to counsel for Sears.

6. Except as otherwise directed by the Court, the documents provided by Sears and designated as Confidential Documents shall be revealed only to (1) the named parties in this action (2) counsel of record for the parties in this action, (3) paralegals or secretarial employees under the direct supervision or employ of counsel of record in this action, and (4) the court and jury.

IT IS SO ORDERED

Dated this 17th of October, 2007, at Topeka, Kansas.

s/ K. Gary Sebelius
K. Gary Sebelius
U.S. Magistrate Judge