

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

IN RE:)	
)	
BLUE CROSS BLUE SHIELD)	Case No. 2:13-cv-20000-RDP
ANTITRUST LITIGATION)	(All Related Cases)
(MDL No. 2406))	

SUPPLEMENT TO QUALIFIED PROTECTIVE ORDER
Document No. 550

This matter is before the court on Defendants’ motion for the entry of a Supplement to the Qualified Protective Order. (Doc. 1477). The Motion is **GRANTED**. Discovery in the above-captioned litigation (“Proceeding”) **SHALL** be governed by the Qualified Protective Order entered by the court on February 23, 2016 (doc. 550), as supplemented by the following Supplement to Qualified Protective Order (“Supplemental Terms” and, together with the Qualified Protective Order, the “Protective Order”).¹

The Parties shall serve a copy of this Order simultaneously with any discovery request made to a third party.

¹ All terms not separately defined in this Supplement to Qualified Protective Order shall have the meaning afforded to them in the Qualified Protective Order.

The Supplemental Terms are as follows:

1. **Disclosure to Unauthorized Persons.** If counsel for a Party wishes to disclose Confidential Material that was produced by a third-party subject to the Protective Order, or extracts, summaries, or information derived therefrom, to any person not designated in paragraphs 11-13 of the Qualified Protective Order (Doc. 550), they must proceed in the following manner: the names of the person(s) to whom the Confidential Material is to be disclosed and a description of the Confidential Material to be disclosed to such person(s) shall be provided in writing to (a) lead counsel for all Parties and (b) counsel for the third-party that produced the Confidential Material at issue twenty-one (21) days in advance of disclosure to afford counsel an opportunity to object to disclosure. If no objection is made within the twenty-one (21) day period, disclosure to such named person(s) may be made after the expiration of the twenty-one (21) day period. If an objection is made within the twenty-one (21) day period, the Party proposing the disclosure must seek an order from the court to allow the proposed disclosure, and the Confidential Material shall not be disclosed pending a decision by the court on that motion, unless the objection is withdrawn. Any person who becomes authorized to receive Confidential Material pursuant to this paragraph (whether such authorization arises from the lack of an objection or from the court's ruling on a

motion for disclosure) shall, prior to the receipt of Confidential Material, execute and deliver to the Party or third-party who produced or designated the Confidential Material a statement in the form annexed as Attachment A to the Qualified Protective Order. Disclosures made to all persons to whom disclosures are permitted pursuant to this paragraph shall be made subject to and in accordance with the terms of the Protective Order. To the extent that a Party or their counsel receives a discovery request or subpoena in another case for Confidential Materials of any Party or third-party, such Party shall notify counsel for the Party, third-party, and/or designating party whose material is sought in writing within five (5) business days of the receipt of such request or subpoena or otherwise within a reasonable time that allows the Party or third-party whose Confidential Material is sought to seek to protect it from disclosure. The Party subject to such discovery request or subpoena shall not produce or disclose the requested Confidential Materials absent the written consent of the Party or third-party whose Confidential Material is sought or if a court of competent jurisdiction orders the production.

2. Notification if Unsealing Documents. If a Party seeks to unseal any court filing containing Confidential Material produced by a third-party, that Party shall notify the producing third-party in writing at least three (3) business days prior to seeking such unsealing. In addition, if the Parties are notified that the

Court, acting *sua sponte*, seeks to unseal any court filing containing Confidential Material produced by a third-party, the Party who originally filed the sealed court filing shall notify the producing third-party within three (3) business days of receiving such notice.

3. **Enforcement.** Upon the final resolution of this Proceeding, any third-party may seek leave to reopen the Proceeding or to request the court retain jurisdiction to enforce the provisions of this Protective Order.

DONE and ORDERED on September 1, 2017.

A handwritten signature in black ink, appearing to read 'T. Michael Putnam', written over a horizontal line.

T. MICHAEL PUTNAM
UNITED STATES MAGISTRATE JUDGE