

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

AUDREY EDWARDS, individually,)
and as Widow and Administrator of the)
Estate of Aredell Edwards, deceased,)

Plaintiffs,)

v.)

Case no. 06-2336-KHV

FIRST RESPONSE, INC.,)

Defendant.)

STIPULATED PROTECTIVE ORDER
GOVERNING DOCUMENT CONFIDENTIALITY

The parties to this litigation and ConAgra Foods, Inc. (“ConAgra”) represented by their respective counsel are hereby ordered and directed as follows with respect to documents and records produced by ConAgra in response to the document subpoena issued by counsel for Plaintiff herein.

1. Certain documents and materials produced by ConAgra may contain trade secrets or include information which is confidential, proprietary or sensitive to ConAgra’s business interests. To the extent such documents are produced by ConAgra, they shall be designated “Subject to Protective Order” and shall be used solely for the purposes of this lawsuit and for no other purpose whatsoever.

2. The records and documents produced by ConAgra designated “Subject to Protective Order” shall not be shown or furnished to anyone in any format other than the Court, counsel for the parties and those persons directly associated with and assisting them in connection with this lawsuit. If information “Subject to Protective Order” is disclosed to a consultant, expert witness or non-party witness, it is the obligation of the disclosing party to provide such person with a copy of the

Protective Order and obtain a signed agreement to adhere to the confidentiality requirement in the form attached hereto and marked as Exhibit "A." A copy of such executed form shall be maintained by the disclosing party and shall be produced upon request to counsel for ConAgra.

3. All information "Subject to Protective Order" shall be omitted or redacted from any document electronically filed with the Court and instead shall be separately submitted to the Court in a sealed envelope designated "Subject to Protective Order," only after the filing of a separate, specific motion and later order of the Court.¹

4. At trial, all documents of ConAgra which have been designated "Subject to Protective Order," if offered into evidence, shall be received under such seal.

5. This Protective Order shall be without prejudice to the right of any party to this action to: (a) seek a further Protective Order; (b) exercise any right or raise any objection otherwise available under the Rules of Discovery or Evidence; or (c) by application and notice, to seek relief from any provision of this Protective Order under any ground.

6. This Protective Order may be modified by the Court on its own motion. The Court may also impose sanctions or find in contempt any party or person bound by this Protective Order found in violation of its terms.

7. Within 30 days of final determination of this action, all documents and materials produced by ConAgra as "Subject to Protective Order" will be returned to ConAgra or destroyed at ConAgra's option. The parties shall be required to certify in writing their compliance with this directive.

¹ See *Holland v. GMAC Mortgage Corp.*, No. 03-2666, 2004 WL 1534179, at *1-*2 (D. Kan. June 30, 2004) (citations omitted).

8. Consistent with the protective order guidelines posted on the Court's website, the Court's jurisdiction to enforce the provisions of this protective order shall be terminated upon the final disposition of this case, unless and until a party seeks leave to reopen the case to enforce the provisions of this Protective Order.

Dated this 23rd day of October, 2007, at Kansas City, Kansas.

s/ James P. O'Hara
James P. O'Hara
U.S. Magistrate Judge

APPROVED AS TO FORM AND SUBSTANCE:

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ATTORNEYS FOR CONAGRA FOODS, INC.

EXHIBIT A

CONFIDENTIALITY AGREEMENT

I have read the Stipulated Protective Order (“Protective Order”) entered by the United States District Court for the District of Kansas in the action entitled Audrey Edwards, individually, and as Widow and Administrator of the Estate of Aredell Edwards, deceased v. First Response, Inc. (06-2336 District of Kansas). I understand the Protective Order is a court order designed to preserve the confidentiality of designated information “Subject to Protective Order.” I also understand the Protective Order restricts my use, disclosure and retention of such confidential information and also requires my safeguarding and/or return of documents and other materials containing confidential information as required by the Protective Order. I agree to comply with all provisions of the Protective Order. I also hereby submit myself to the jurisdiction of the United States District Court for the District of Kansas for the purpose of enforcement of any provision of the Protective Order.

Dated this _____ day of _____, 2007.

Signature

Name (Print)

Address