

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

STATE OF OHIO ex rel.	:	Case No. 18 CV 001864
OHIO ATTORNEY GENERAL	:	
MIKE DEWINE, et al.,	:	Judge Jeffrey M. Brown
	:	
Plaintiffs	:	
	:	
v.	:	
	:	
PRECOURT SPORTS VENTURES, LLC.,	:	
et al.	:	
	:	
Defendants	:	

STIPULATED PROTECTIVE ORDER

The parties to this Stipulated Protective Order have agreed to the terms of this Order, and it is **ORDERED** that:

1. Scope. All documents produced in the course of discovery, including all responses to discovery requests, any deposition testimony or exhibits designated by a party in accordance with ¶3(b) below; all other materials which may be subject to restrictions on disclosure; and all information derived directly from them (collectively, "Documents"), shall be subject to this Order concerning assertedly confidential information as set forth below. The Order is also subject to the Local Rules of this Court and the Ohio Rules of Civil Procedure on matters of procedure and calculation of time periods.

2. Form and Timing of Designation. A party may designate Documents as confidential and restricted in disclosure under this Order by placing the words "CONTAINS CONFIDENTIAL MATERIAL- SUBJECT TO PROTECTIVE ORDER" on each Document in a manner that will not interfere with the legibility of the Document. Documents shall be

designated CONTAINS CONFIDENTIAL MATERIAL - SUBJECT TO PROTECTIVE ORDER prior to or at the time of the production or disclosure of the Documents. The designation "CONTAINS CONFIDENTIAL MATERIAL - SUBJECT TO PROTECTIVE ORDER" does not mean that the Document has any status or protection by statute or otherwise except to the extent this Order applies to it. The party making the designation shall indicate clearly on the document what portions are designated as confidential.

3. Documents that May be Designated CONTAINS CONFIDENTIAL MATERIAL - SUBJECT TO PROTECTIVE ORDER.

(a) Any party may designate documents as CONTAINS CONFIDENTIAL MATERIAL - SUBJECT TO PROTECTIVE ORDER upon making a good faith determination that the documents contain any of the following information: (i) information protected from disclosure by any state or federal statute; (ii) confidential personal information; (iii) confidential proprietary information, such as trade secrets, that is not publicly available; (iv) information that includes any proprietary documentation, materials, flow charts, codes, software, computer instructions, techniques, models, information, diagrams; or (v) documents or information that would disclose any computer security or infrastructure materials or information. Public records and other information or documents that are publicly available may not be designated as CONTAINS CONFIDENTIAL MATERIAL - SUBJECT TO PROTECTIVE ORDER.

(b) Depositions. At the request of any party, made in good faith with regard to any particular deposition, the parties will treat deposition testimony and exhibits as CONTAINS CONFIDENTIAL MATERIAL - SUBJECT TO PROTECTIVE ORDER for fourteen days after receipt of the transcript to allow the Parties time to make a designation. After those fourteen days, the deposition testimony shall be deemed CONTAINS CONFIDENTIAL

MATERIAL – SUBJECT TO PROTECTIVE ORDER only if designated as such within fourteen days of receipt of the transcript. Such designation shall be specific as to the portions of the transcript or any exhibit to be designated as CONTAINS CONFIDENTIAL MATERIAL– SUBJECT TO PROTECTIVE ORDER. Thereafter, the portions of the transcript and exhibits so designated shall be protected as CONTAINS CONFIDENTIAL MATERIAL- SUBJECT TO PROTECTIVE ORDER, pending objection, under the terms of this Order.

(c) Protection of Confidential Material.

(i) General Protections. Except as mandated by court order or other requirement of law, documents designated CONTAINS CONFIDENTIAL MATERIAL - SUBJECT TO PROTECTIVE ORDER under this Order shall not be used or disclosed by the parties, counsel for the parties, or any other persons identified in ¶ 3(c) for any purpose whatsoever other than to prepare for and to conduct discovery and trial in this action and any related action or governmental investigation, including any appeals.

(ii) Limited Third-Party Disclosures. Except as mandated by court order or other requirement of law, the parties and counsel for the parties shall not disclose or permit the disclosure of any CONTAINS CONFIDENTIAL MATERIAL - SUBJECT TO PROTECTIVE ORDER documents to any third person or entity except as set forth in subparagraphs ¶ 3(c)(ii)(1)-(5). Subject to these requirements, the following categories of persons may be allowed to review documents that have been designated CONTAINS CONFIDENTIAL MATERIAL - SUBJECT TO PROTECTIVE ORDER:

1. **Counsel.** Counsel for the parties and employees and agents of counsel who have responsibility for the preparation and trial of the action;
2. **Parties.** Parties and employees of a party to this Order;
3. **Court Reporters and Recorders.** Court reporters and recorders engaged for depositions;
4. **Consultants, Investigators and Experts.** Consultants, investigators, or experts (collectively, "experts") employed by the parties or counsel for the parties to assist in the preparation and trial of this action or proceeding, but only after such persons have completed the certification contained in Attachment A, Acknowledgment of Understanding and Agreement to Be Bound by Stipulated Protective Order; and
5. **Others by Consent.** Other persons only by written consent of the producing party or the party asserting that the deposition testimony CONTAINS CONFIDENTIAL MATERIAL- SUBJECT TO PROTECTIVE ORDER, or upon order of the Court and on such conditions as may be agreed or ordered. All such persons shall execute the certification contained in Attachment A, Acknowledgment of Understanding and Agreement to Be Bound by Stipulated Protective Order.

(d) **Control of Documents.** Counsel for the parties shall take reasonable and appropriate measures to prevent unauthorized disclosure of documents designated as CONTAINS CONFIDENTIAL MATERIAL- SUBJECT TO PROTECTIVE ORDER pursuant to the terms of this Order. Counsel shall maintain the originals of the forms signed by persons acknowledging their obligations under this Order for a period of 1 year after dismissal of the

action, the entry of final judgment and/or the conclusion of any appeals arising therefrom, or as required by the applicable records retention schedule.

(e) **Copies.** Prior to production to another party, all copies, electronic images, duplicates, extracts, summaries or descriptions (collectively, "copies") of documents designated as CONTAINS CONFIDENTIAL MATERIAL- SUBJECT TO PROTECTIVE ORDER under this Order, or any individual portion of such a document, shall be affixed with the designation "CONTAINS CONFIDENTIAL MATERIAL- SUBJECT TO PROTECTIVE ORDER" if the word does not already appear on the copy. All such copies shall thereafter be entitled to the protection of this Order.

4. Filing of CONTAINS CONFIDENTIAL MATERIAL - SUBJECT TO PROTECTIVE ORDER Documents Under Seal. Matters filed in the Court, including any document(s) submitted to the Court in support of or in opposition to a motion, are public record and are presumed to be open to the public. If a party seeks to file or reference material previously designated Confidential under this Order in the record but does not intend to file them under seal, that party shall notify all other parties and identify the material the party intends to file in the record. At that point, if any other party seeks to preclude the filing of the material in the public record, that party shall, within five days of the notification by the filer, file with the Court a motion to seal identifying the specific material sought to be sealed and explaining the legal justification for the sealing. If no party files a motion to seal within the five-day period, the documents shall be filed in the public record, and all parties shall be relieved of the provisions of this Order relating to maintaining confidentiality of the material filed in the public record.

5. Challenges by a Party to Designation as Confidential. Any CONTAINS CONFIDENTIAL MATERIAL- SUBJECT TO PROTECTIVE ORDER designation is subject

to challenge by any party or nonparty with standing to object. Before filing any motions or objections to a confidentiality designation with the Court, the objecting party or nonparty with standing to object shall have an obligation to meet and confer in a good faith effort to resolve the objection by agreement. Upon a challenge of a confidentiality designation, the party that made the designation bears the burden of proving the designation is justified.

6. Action by the Court. Applications to the Court for an order relating to any documents designated CONTAINS CONFIDENTIAL MATERIAL- SUBJECT TO PROTECTIVE ORDER shall be by motion. Nothing in this Order or any action or agreement of a party under this Order limits the Court's power to make any orders that may be appropriate with respect to the use and disclosure of any documents produced or use in discovery or at trial.

7. Use of Confidential Documents or Information at Trial. All trials are open to the public. Absent order of the Court, there will be no restrictions on the use of any document that may be introduced by any party during the trial. If a party intends to present at trial CONTAINS CONFIDENTIAL MATERIAL- SUBJECT TO PROTECTIVE ORDER documents or information derived from them, that party shall provide advance notice to the other parties at least ten days before the commencement of trial by identifying the documents or information at issue as specifically as possible (i.e., by Bates number, page range, deposition transcript lines, etc.) without divulging the actual CONTAINS CONFIDENTIAL MATERIAL- SUBJECT TO PROTECTIVE ORDER documents or information. The Court on motion or otherwise may make any orders that are necessary to govern the use of the documents or information at trial.

8. Obligations on Conclusion of Litigation.

(a) **Return of CONTAINS CONFIDENTIAL MATERIAL- SUBJECT TO PROTECTIVE ORDER Documents.** Upon request by the producing party or the party asserting that deposition testimony CONTAINS CONFIDENTIAL MATERIAL- SUBJECT TO PROTECTIVE ORDER made within thirty days after entry of final judgment or dismissal not subject to further appeal, all documents treated as CONFIDENTIAL pursuant to this Order, including copies as defined in 3(e), shall be returned to the requesting party or destroyed unless the document has been offered into evidence or filed without restriction as to disclosure. Notwithstanding the above requirements to return or destroy documents, counsel may retain attorney work product, including an index which refers or relates to information designated CONTAINS CONFIDENTIAL MATERIAL- SUBJECT TO PROTECTIVE ORDER, so long as that work product does not duplicate verbatim substantial portions of the text or images of confidential documents. This work product shall continue to be CONTAINS CONFIDENTIAL MATERIAL- SUBJECT TO PROTECTIVE ORDER under this Order. An attorney may use his or her work product in a subsequent litigation provided that its use does not disclose or use CONTAINS CONFIDENTIAL MATERIAL- SUBJECT TO PROTECTIVE ORDER documents.

9. **Order Subject to Modification.** This Order shall be subject to modification by the Court on its own motion or on motion of a party or any other person with standing concerning the subject matter. Motions to modify this Order shall be served and filed consistent with the Local Rules of this Court with any relevant orders of the Court.

10. **No Prior Judicial Determination.** This Order is entered based on the representations and agreements of the parties and for the purpose of facilitating discovery. Nothing herein shall be construed or presented as a judicial determination that any documents or

information designated CONTAINS CONFIDENTIAL MATERIAL - SUBJECT TO PROTECTIVE ORDER by counsel or the parties is subject to protection under Rule 26(c) of the Ohio Rules of Civil Procedure or otherwise until such time as the Court may rule on a specific document or issue.

11. Persons Bound. This Order shall take effect when entered and shall be binding upon all counsel and their law firms, the parties, and persons made subject to this Order by its terms.

SO ORDERED.

Dated:

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JUDGE JEFFREY M. BROWN

ATTACHMENT A

STATE OF OHIO ex rel.	:	Case No. 18 CV 001864
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MIKE DEWINE, et al.,	:	Judge Jeffrey M. Brown
Plaintiffs	:	
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Defendants	:	

ACKNOWLEDGMENT AND AGREEMENT TO BE BOUND BY PROTECTIVE ORDER

The undersigned hereby acknowledges that he/she has read the Protective Order dated _____ in the above-captioned action and attached hereto, understands the terms thereof, and agrees to be bound by its terms. The undersigned submits to the jurisdiction of the Franklin County Common Pleas Court in matters relating to the Protective Order and understands that the terms of the Protective Order obligate him/her to use documents designated **CONTAINS CONFIDENTIAL MATERIAL- SUBJECT TO PROTECTIVE ORDER** in accordance with the Order solely for the purposes stated in the Order, and not to disclose any such documents or information derived directly therefrom to any other person, firm or concern. The undersigned acknowledges that violation of the Protective Order may result in penalties for contempt of court.

Name: _____

Job Title: _____

Employer: _____

Business Address:

Date:

Signature: