

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff)	
)	
RACHEL TUDOR,)	
)	
Plaintiff-Intervenor)	
v.)	CIV-15-324-C
)	
SOUTHEASTERN OKLAHOMA)	
STATE UNIVERSITY, and)	
)	
THE REGIONAL UNIVERSITY)	
SYSTEM OF OKLAHOMA,)	
)	
Defendants.)	

**CONSENT ORDER REGARDING INADVERTENT DISCLOSURE OF
PRIVILEGED DOCUMENTS**

The parties agree and the Court ORDERS that a disclosure of information contained within documents, things, and electronically stored information (“ESI”) that is protected by attorney-client privilege, work product protection, or governmental privileges does not operate as a waiver in this case if: 1) the disclosure is inadvertent; 2) the holder of the privilege or protection took reasonable steps to prevent disclosure; and 3) the holder promptly took reasonable steps to rectify the error once discovered.

If the producing party inadvertently discloses information that it asserts is privileged or protected, it will promptly notify the receiving party and provide the production date, wave number and volume of the production media, (if applicable), and the Bates number(s) or Document ID (for native files) of all material that it

believes contains the inadvertently disclosed information.

If a production contains information that the receiving Party believes is privileged or protected and was inadvertently produced, it will promptly notify the producing Party and provide the Bates number(s) or Document ID (for native files) of the item it believes was inadvertently produced. Within 14 days after receiving notification, the producing Party may make a written request for return of the material. If the producing Party does not send a written request for return of the material to the receiving Party within 14 days, the producing Party waives all claims of privilege or protection as to the material.

When the receiving party receives a written demand for return of the material, it will make reasonable, good faith efforts to promptly redact, return or destroy all inadvertently produced material identified by the producing party. If copies of inadvertently produced materials are captured on the receiving Party's Backup System, the receiving Party will over-write those copies according to its established procedures.

If the receiving party must destroy or delete production media (*e.g.*, CD) in order to destroy or delete inadvertently produced material, then the producing Party will provide a duplicate copy of the production media, minus only the inadvertently produced material, within 14 days of its written request for return of the material to the receiving party.

If the receiving party intends to challenge the claim of privilege or protection or the inadvertence of the production, it will keep one copy of the

inadvertently produced material in a sealed envelope or a sequestered location while seeking a ruling from the Court.

It is so ORDERED this 24th day of July, 2015.



ROBIN J. CAUTHRON
United States District Judge