

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
URBANA DIVISION**

**U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,**

Plaintiff,

v.

RENT-A-CENTER EAST, INC.

Defendant.

Civil Action No. 16-CV-02222

Judge Colin Stirling Bruce

Magistrate Judge Eric I. Long

AGREED PROTECTIVE ORDER

In order to preserve and maintain the confidentiality of certain documents and information to be produced in this litigation, Plaintiff United States Equal Employment Opportunity Commission (“EEOC” or the “Commission”) and Defendant Rent-A-Center East Inc. (“RAC”) have agreed, and, pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, the Court hereby orders that:

Definitions

1) For purposes of this Order, “Confidential Information” is defined as any of the following types of information:

- a) any wage, financial or tax information of any individual;
- b) social security numbers;
- c) home address and telephone numbers;
- d) physical and mental health information;
- e) trade secret as defined by the Illinois Trade Secrets Act;
- f) performance evaluations and records of discipline; and

g) where both parties agree the document should be confidential.

2) For purposes of this order, “Confidential Document” is defined as a document that contains Confidential Information and is designated as such.

3) As used herein, “disclosure” or “to disclose” shall mean to divulge, reveal, describe, summarize, paraphrase, quote, transmit, or otherwise communicate Confidential Information.

Restriction on Use of Confidential Information

4) During the litigation of this action, Confidential Information shall be retained solely in the custody of the parties’ attorneys and shall not be placed in the possession of or disclosed to any other person, except as set forth in paragraph 5 below, as otherwise agreed upon by the parties, or upon leave of Court. Confidential Information shall be utilized for the purpose of this litigation only, except that the EEOC may utilize Confidential Information in connection with any other law enforcement activity involving RAC.

5) Confidential Information protected by this Order shall not be disclosed in any manner, directly or indirectly, to any person except as follows:

- a. Confidential Information may be used by the parties, charging party, their attorneys, and clerks, paralegals, secretaries and other support staff in the employ of such parties or attorneys for the purpose this litigation;
- b. Individuals may review their own records;
- c. Individuals may review Confidential Information which they prepared or which was disclosed to them in the normal course of business;
- d. Confidential Information may be used without limitations in all pretrial discovery proceedings, such as depositions;
- e. If a party intends to file Confidential Information with the Court, the filing party shall provide the other party notice of such intent 3 days prior to filing; the other party then has 3 days to file a motion to seal the Confidential Information;
- f. Confidential Information may be reviewed by any expert witness or consultant expressly employed or retained by counsel or a party to this litigation to whom it

is necessary to disclose Confidential Information for the purpose of prosecuting or defending this litigation; and

- g. Confidential information may be disclosed to a court reporter during the course of a deposition.

Designation

6) A document or portion of a document that a party determines in good faith to contain Confidential Information as defined in paragraph 1 may be designated as Confidential by (a) stamping the word “CONFIDENTIAL” in the margin of the document in a manner that does not obscure any of the content of the document, (b) employing other means provided by this order, or (c) using any other reasonable method agreed upon by the parties.

7) A party, may on the record of a deposition or by written notice to opposing counsel not later than thirty (30) days after the preparation of the deposition transcript, designate any portion(s) of the deposition as confidential if the party determines in good faith that the designated portion(s) contain(s) Confidential Information as defined in paragraph 1. Until expiration of the above thirty (30) day period, all deposition transcripts will be deemed “Confidential Documents” under this Protective Order and information therein will be deemed “Confidential Information” under this Protective Order unless otherwise agreed to in writing by the parties.

8) Nothing shall prevent disclosure of Confidential Information beyond the terms of this Order if all parties consent to such disclosure, or if the Court, after notice to all affected parties, permits such disclosure.

9) If any party wishes to disclose any Confidential Information beyond the terms of paragraphs 5 or 6 of this Order, that party shall provide all other parties with reasonable notice in writing of its request to disclose the materials. If the parties cannot resolve their disagreement

with respect to the disclosure of any Confidential Information or Confidential Documents, then a party may petition the Court for a determination of these issues. Such Confidential Information or Confidential Documents shall remain confidential as stipulated by this order until the Court rules on the party's specific petition.

10) Challenges by a Party to Designation as Confidential Information. The designation of any material or document as Confidential Information is subject to challenge by any party. The following procedure shall apply to any such challenge.

(a) Meet and Confer. A party challenging the designation of Confidential Information must do so in good faith and must begin the process by conferring directly with counsel for the designating party. In conferring, the challenging party must explain the basis for its belief that the confidentiality designation was not proper and must give the designating party an opportunity to review the designated material, to reconsider the designation, and, if no change in designation is offered, to explain the basis for the designation. The designating party must respond to the challenge within five (5) business days.

(b) Judicial Intervention. A party that elects to challenge a confidentiality designation may file and serve a motion that identifies the challenged material and sets forth in detail the basis for the challenge. Each such motion must contain a certification that the movant has complied with the meet and confer requirements of this procedure. The burden of persuasion in any such challenge proceeding shall be on the designating party. Until the Court rules on the challenge, all parties shall continue to treat the materials as Confidential Information under the terms of this Order.

Miscellaneous

11) This Order does not limit the right of any party to object to any discovery request or to the scope of discovery in this case.

12) This Order does not constitute a determination of the admissibility or evidentiary foundation for the documents or a waiver of any party's objections thereto.

13) Upon the final completion of the litigation (including any appeals and the expiration of any consent decree) the parties shall destroy all Confidential Documents or copies thereof, except as otherwise required by federal law. The obligations to keep information copied from documents confidential shall continue after the completion of this case.

14) The parties are reminded of their duty to comply with Local Rule 5.10 in filing any document under seal.

ENTERED: s/ ERIC I. LONG

Eric I. Long
United States Magistrate Judge

Date: November 30, 2016