

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT**

JANET JENKINS, et al.,

Plaintiffs,

v.

KENNETH L. MILLER, et al.,

Defendants.

No. 2:12-cv-184-WKS

**PLAINTIFFS' MOTION FOR PROTECTIVE ORDER REGARDING
CONFIDENTIAL CHRISTIAN AID MINISTRIES DOCUMENTS**

Pursuant to Rule 26 of the Federal Rules of Civil Procedure and Local Rule 26, Plaintiffs Janet Jenkins and Isabella Miller-Jenkins move for the entry of the following Protective Order.¹

August 23, 2019

Respectfully submitted.



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¹ All Defendants except Timothy Miller agree to the entry of this protective order. Timothy Miller's only response to repeated communications about this protective order was to state that his Motion to Dismiss, ECF 337, remains pending.

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**PROTECTIVE ORDER GOVERNING DISCLOSURE OF DOCUMENTS FROM
CHRISTIAN AID MINISTRIES MARKED CONFIDENTIAL**

WHEREAS counsel for Plaintiff has served a subpoena for documents on non-party Christian Aid Ministries (“CAM”);

WHEREAS CAM has produced to Plaintiff 130 pages of documents responsive to Plaintiff’s subpoena;

WHEREAS CAM has designated 15 pages from its production as “CONFIDENTIAL” (hereinafter the “Confidential Documents”) and wishes to restrict the use of the Confidential Documents to this litigation only;

WHEREAS Plaintiff has produced to the other Parties the non-Confidential Documents received from CAM, and wishes to produce the Confidential Documents upon the entry of a suitable protective order;

NOW THEREFORE, the Court Orders, as follows:

1. Plaintiff shall produce the Confidential Documents to all Parties in this litigation within seven days of the entry of this Protective Order.

2. After receiving the Confidential Documents, any Party who believes that the documents are not confidential and should not be treated as such shall provide written notice to

CAM and all other parties. CAM shall have 20 days to move the Court for a protective order with respect to any challenged documents. In the event that CAM does not timely move for protection, the challenged documents shall no longer be subject to the restrictions of this Order. In the event that CAM does timely move for protection, CAM shall have the burden of establishing the need for any restrictions, but the Parties shall continue to abide by the restrictions in this Order until CAM's motion is adjudicated.

3. The Confidential Documents shall be used only for purposes of this litigation.

4. Plaintiff and Defendants shall not disclose the Confidential Documents to anyone other than:

a. the parties;

b. the attorneys of record in this action, and their respective co-counsel, employees, legal assistants, stenographic and support personnel, and litigation support companies and their employees;

c. experts and consultants retained by the parties or the attorneys of record for this litigation and the employees of such experts and consultants who are assisting them for the purposes of this action;

d. court reporters, deposition stenographers, and videographers; and

e. the Court (including an appellate court reviewing this action) and its staff members.

5. Prior to receiving any Confidential Documents, all Persons in paragraph 4(c) shall sign an agreement in the form attached as Exhibit A signifying that they have read this Order and agree to comply with its provisions.

6. Confidential Documents shall not be filed on the public docket in this action or any other action. If feasible, they shall be appropriately redacted prior to public filing.

Unredacted versions shall be filed under seal.

7. If Confidential Documents are used in a deposition, the Confidential Documents and the portion of any deposition transcript discussing them shall be kept confidential pending further agreement of the parties or order of the Court.

8. If a Party seeks to discuss or disclose the Confidential Documents during any hearing or trial before the Court, including through argument or the presentation of evidence, counsel for the Parties shall confer among themselves and with counsel for CAM and agree to procedures necessary to protect the Confidential Documents from improper disclosure during the hearing or trial, subject to the Court's approval.

9. Nothing in this Protective Order shall prevent or restrict any Party from using or disclosing its own documents and materials, and publicly available documents and materials, in any matter it sees fit.

10. Nothing in this Protective Order and no action taken pursuant to it, shall prejudice the right of any Party to contest the alleged relevancy, admissibility, or discoverability of any document.

11. Nothing in this Protective Order shall be construed as any agreement or acknowledgement by any Party that any other documents or materials merit or warrant any protection from public disclosure.

12. Upon termination of this litigation, including termination of any appeal from the final judgment of this Court, all Confidential Documents shall be destroyed, except that attorneys of record are permitted to keep copies and any related work product in their litigation files.

13. The provisions of this Protective Order shall survive any settlement, judgment, or other disposition or conclusion of this action, and all appeals therefrom.

SO ORDERED:

Date

Hon. William K. Sessions
U.S. District Court for the District of Vermont

EXHIBIT A

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Defendants.

**DECLARATION AND AGREEMENT TO BE BOUND BY
STIPULATED PROTECTIVE ORDER**

I, _____, declare that:

1. I have read the foregoing Stipulated Protective Order entered as an Order of the United States District Court for the District of Vermont, in an action entitled *Jenkins v. Miller*, No. 2:12-cv-184-WKS.

2. My present employer is _____
and the address of my present employer is _____
_____. My present occupation or
job description is _____.

3. I understand and agree to be bound by the terms of this Stipulated Protective Order.

4. I will hold in confidence and will not disclose to anyone not qualified under the Stipulated Protective Order and will use only for purposes of this action any Confidential Information or Highly Confidential Information disclosed to me.

5. I will return all Confidential Information or Highly Confidential Information that comes into my possession, and documents or things that I have prepared related thereto, to counsel for the party by whom I am employed or retained when requested to do so by that counsel.

6. I hereby submit to the jurisdiction of this Court for the purpose of enforcement of this Stipulated Protective Order.

Signature

Date