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Attorneys for LeGore, Nooth, Reese, Reyes, Wagner, and the State of Oregon (collectively referred to as "State Defendants")

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

S.D. and J.F., individually and on behalf of
all others similarly situated,

Plaintiff,

v.

MIKE REES; RYAN LEGORE; JEREMY
WAGNER; MARK NOOTH; AARON
REYES; JOHN DOES 1–5; and STATE OF
OREGON, by and through the Oregon
Department of Corrections,

Defendants.

Case No. 6:25-cv-01726-CL

STIPULATED ORDER REGARDING
PROTECTION OF PRIVILEGES

One or more of the parties has requested the production in discovery of documents or information that may be subject to evidentiary privileges, including attorney-client privilege and/or attorney work product doctrine. The parties agree that good cause exists to protect privileged communications between parties and their counsel, and that entry of this Stipulated Clawback and Non-Waiver Order (“Clawback Order”) is warranted to protect against disclosure of privileged communications or work product.

1. Pursuant to Federal Rule of Evidence 502(d) disclosure in discovery by either party of privileged information or protected trial preparation materials shall not, subject to FRE 502(b), operate as a waiver of such privilege or immunity from discovery.

2. A party learning that information that party has produced is subject to a claim of privilege or work product shall immediately notify the receiving parties in writing of its claim of privilege (including the basis(es) of the privilege claim) and identify the privileged material(s) in question.

3. Upon receipt of such notice, the receiving parties shall return, turn over to the Court under seal, or destroy all copies of the privileged material. A party may challenge the assertion of privilege, or waiver thereof, by motion to the Court, following good faith efforts to confer and resolve the dispute. The disclosing party must preserve the disputed privileged material(s) until a final judgment no longer subject to appeal is entered in this case.

4. Unless all parties agree in writing or the Court otherwise orders, no party may disclose to any third party, refer to in any court filing or proceeding, or otherwise use the allegedly privileged material(s) (or any information derived exclusively therefrom) in this or any other case unless and until the Court finds the material(s) is not subject to privilege, or otherwise orders disclosure.

5. This Clawback Order shall not constitute a waiver of any party's or non-party's right to oppose any discovery request or object to the admissibility of any document, testimony, or other information.

6. The rights and obligations of the Clawback Order shall survive the conclusion of this action, and this Court shall retain jurisdiction of this action after its conclusion for the purpose of enforcing the terms of this Clawback Order.

IT IS SO STIPULATED:

s/ John D. Burgess
JOHN D. BURGESS, OSB #106498
Of Attorneys for Plaintiffs

DATED this 19th day of May, 2026.

s/ Edward 'Jake' Miller
EDWARD 'JAKE' MILLER, OSB #232113
Of Attorneys for State Defendants

DATED this 19th day of May, 2026.

DATED: 05/22/2026

/S/ Mark D. Clarke
HONORABLE MARK D. CLARKE
U. S. District Court Judge

Submitted by: Edward 'Jake' Miller
Assistant Attorney General
Of Attorneys for State Defendants

CERTIFICATE OF SERVICE

I certify that on May 20, 2026, I served the foregoing STIPULATED ORDER REGARDING PROTECTION OF PRIVILEGES upon the parties hereto by the method indicated below, and addressed to the following:

John D Burgess
Carl Lee Post
Snyder, Post and Burgess
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Of Attorneys for Plaintiff

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