

FILED
U.S. DISTRICT COURT

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DISTRICT OF UTAH

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Attorneys for Defendant
Micron Technology, Inc.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

MICRON TECHNOLOGY, INC. a
Delaware Corporation

Defendant.

JOSE ARTALEJO,

Plaintiff in Intervention,

v.

MICRON TECHNOLOGY, INC. a
Delaware Corporation,

Defendant

**PROTECTIVE ORDER REGARDING
CONFIDENTIAL INFORMATION**

Case No. 2:05 CV00546 TS

The Honorable Ted Stewart

This matter having come before the Court pursuant to the agreement of the parties, and
good cause being shown, the Court ORDERS that the following procedures shall be used in this

action for the protection of the parties against the improper disclosure or use of confidential information produced in discovery or filed with the Court:

1. CONFIDENTIAL RESTRICTION.

A. The parties may designate as “Confidential” any document or evidence that refers, reflects, or relates to (1) personal information about any current or former employee of defendant Micron Technology, Inc. (“Micron”) including, but not limited to, date of birth, social security number, contact/location information, and/or medical information, (2) any request for a workplace accommodation for any disability or impairment by any current or former Micron employee, (3) the discipline, commendation, or job performance of any current or former Micron employee; and/or (4) the involuntary termination of any current or former Micron employee.

B. Information designated “Confidential” may be used only in connection with this litigation, and not for any other purpose. Such information may not be disclosed to anyone except as provided in this Order.

C. Any documents stamped “Confidential” as well as any copies or excerpts thereof, or analyses or reports which pertain thereto, may be made available only to:

- i. Attorneys of record for the parties, their employees and other attorneys and/or employees of their firms;
- ii. Judges, law clerks and other clerical personnel of the Court before which this action is pending;
- iii. Experts who agree to abide by the terms of this Order;
- iv. The parties to this litigation and their officers, directors or employees (if any) on a need to know basis.

v. Trial or deposition witnesses, subject to the provisions of Paragraph 2(d), below.

D. Any document or evidence filed with the Court or submitted to the Judge which is designated as containing “Confidential” information will be filed in a sealed envelope or other appropriate container, marked on the outside with the title of the action, and a statement substantially in the following form:

CONFIDENTIAL

This document is subject to a PROTECTIVE ORDER issued by the Court and may not be examined or copied except in compliance with that Order.

2. DEPOSITIONS.

A. If “Confidential” information is marked as a deposition exhibit, such exhibit shall retain its designated status and, if filed, shall be filed under seal.

B. During any deposition, counsel for the Producing Party may request that any portions of the deposition or deposition exhibits also be treated as “Confidential.” The presence of persons not entitled to attend a deposition pursuant to this paragraph shall constitute justification for counsel for the Producing Party to advise or instruct the witness not to answer.

C. Upon receipt, all deposition transcripts and the exhibits thereto shall be treated initially as “Confidential” in their entirety until fifteen (15) days after receipt of the transcript, unless the parties expressly agree otherwise. Within fifteen (15) days after receipt of the transcript, any party may designate portions of a deposition transcript as “Confidential.” The designation shall be accomplished by a letter to all other parties and the court reporter listing the pages, lines, and exhibits constituting confidential information and the category of

confidentiality. If the Producing Party previously designated portions of testimony as “Confidential” during the deposition, the Producing Party is not required to redesignate those portions of the transcript during the fifteen (15) day period unless the Producing Party wants to change the designation.

D. Documents and any other materials containing “Confidential” information may be shown to a witness to examine or cross-examine the witness during a deposition or trial. A witness may view such materials in advance of the deposition or trial if the witness agrees to abide by the terms of this Order. However, a witness shall not retain any such documents or things or any copies thereof after the deposition or trial (except for the purpose of reviewing the transcript of his or her deposition in connection with its correction or execution), unless the witness is otherwise authorized under this Order to receive such information.

3. OBJECTION TO DESIGNATION.

A. If, at any time during the preparation for trial or during the trial of this action, a party believes that another party has unreasonably designated certain information as “Confidential,” or believes that it is necessary to disclose designated information to persons other than those permitted by this Order, and the designating party does not agree to change the designation or to the further disclosure, the party may make an appropriate application to this Court requesting that the specifically identified documents, information, and/or deposition testimony be excluded from the provisions of this Order or be made available to specified other persons.

B. This Order will not prejudice the right of any party to oppose production

of any information on the ground of attorney-client privilege, work product immunity, or any other protection provided under the law.

DATED: May 31, 2006

STOEL RIVES LLP

/s/Justin B. Palmer
Matthew M. Durham
Justin B. Palmer
Attorneys for Defendant

DATED: May 31, 2006

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

/s/Sandra J. Padegimas
*(signed by Filing Attorney with permission of
Plaintiff's Attorneys)*
Mary Jo O'Neill
C. Emanuel Smith
Sandra J. Padegimas
Attorneys for Plaintiff


DATED: May 31, 2006

STRINDBERG, SCHOLNICK & CHAMNESS,
LLC

/s/Ralph E. Chamness
*(signed by Filing Attorney with permission of
Plaintiff in Intervention's Attorneys)*
Ralph E. Chamness
Attorneys for Plaintiff in Intervention

IT IS SO ORDERED.

DATED: 6/5/06



Samuel Alba
U.S. Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of May 2006, I electronically filed the foregoing PROTECTIVE ORDER REGARDING CONFIDENTIAL INFORMATION with the Clerk of Court using the CM/ECF system. A copy was also mailed to:

Mary Jo O'Neill
C. Emanuel Smith
Sandra J. Padegimas
Equal Employment Opportunity Commission
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/s/Justin B. Palmer_____