

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

FILED

VICTOR DAUER, on behalf of  
himself and all others  
similarly situated,

Plaintiff,

v.

SANDOZ PHARMACEUTICALS, INC.  
and CAREMARK, INC.,

Defendants.

DOCKETED

MAR 15 1991

MAR 19 1991

H. Stuart Cunningham, Clerk  
United States District Court

No. 90 C 6412

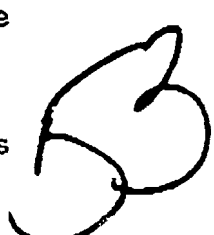
Honorable Harry D. Leinenweber

STIPULATED PROTECTIVE ORDER

The undersigned parties hereby stipulate and agree that the Court may enter a Stipulated Protective Order in this case pursuant to the following stipulation:

1. Any party to this action and any non-party that is required to respond to discovery may designate any response to discovery (including, without limitation, documents produced, deposition testimony, and interrogatory answers) to be "confidential." Such designations may be made by placing the word "confidential" on any written materials produced, or by orally designating any testimony to be "confidential." In making such designations, the parties and all non-parties shall act conscientiously and in good faith, and shall designate as confidential only material or discovery responses that would result in the disclosure of trade secrets or other confidential research, development, or commercial information within the meaning of rule 26(c)(7) of the Federal Rules of Civil Procedure.

2. Any and all materials and discovery responses



designated as confidential shall be subject to the following restrictions:

(a) They shall not be shown or made available to anyone other than outside counsel for the parties, the support staffs of outside counsel, and any experts retained by outside counsel, who shall agree in writing to be bound by the terms of this Order.

(b) They shall be used only for the purposes of this litigation.

(c) If submitted to the Court in connection with any proceedings herein, they shall be filed under seal; and any memoranda or other papers referring to such confidential material and discovery responses shall be filed under seal.

3. Upon appropriate notice and motion, any party may move the Court for an order determining that a response to discovery has been inappropriately designated as "confidential." Upon the filing of such a motion, the proponent of the confidential designation shall have the burden of demonstrating the propriety of the designation. Unless and until the Court determines that a "confidential" designation is inappropriate, the discovery response so designated shall be treated as "confidential."

4. By entering into this Stipulation for Protective Order, no party is waiving or curtailing its right to seek modification of this Order, as justice shall require, and this stipulation and protective order are without prejudice to the right of any party to seek modification thereof, as justice shall require.

5. It is not the intent of this Stipulation and Protective Order to prevent any party from offering in evidence any confidential material and discovery responses in conjunction with trial or other proceedings in this action; it is the intent of this Stipulation and Order to provide for appropriate confidentiality for such material and discovery responses at the time of their production in discovery, thereafter during the pendency of this action and in the event that they are offered in evidence at trial or other proceedings in this action.

6. At the conclusion of this action, each party that has received any such confidential material or discovery responses shall destroy the same or return the same to the producing party, at the option of the producing party.

Dated: March 12, 1991

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Dated: March 11, 1991

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