

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

In re Application of:)	
)	
H.M.G., a natural person and)	
citizen of the Republic of Austria,)	Case No. 1:13-cv-02598-CAP-LTW
)	
Applicant.)	
)	

PROTECTIVE ORDER

Pursuant to Fed. R. Civ. P. 26(c)(7) and Fed. R. Evid. 502(d), and as consented to by Applicant Helga Glock (“Applicant”), this Order shall govern the handling and disclosure of documents and electronically stored information, as those terms are understood under Fed. R. Civ. P. 34, and any other information produced to Applicant in this proceeding (“Discovery Material”). The necessity of this Order having been found, IT IS ORDERED THAT:

1. Discovery Material produced in this proceeding that contains or that could lead to the disclosure of confidential business information may be designated by the subpoenaed party as “Confidential,” and shall thereby be deemed “Confidential” and subject to the provisions of this Protective Order.

2. The designation of Discovery Material as “Confidential” shall be made by the Designating Party in the following manner: Documents designated “Confidential” as described in paragraph 1 shall be so marked by conspicuously affixing the following legend, so as not to obscure the content of any such document:

**Protected Document
In re Application of Helga Glock
United States District Court
Northern District of Georgia
Case No. 1:13-CV-02598-CAP-LTW
SUBJECT TO PROTECTIVE ORDER
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or similar designation on each page containing any Confidential Discovery Material (or in the case of computer medium on the medium and its label and/or cover) to which the designation applies. To the extent practical, the Confidential legend shall be placed near the Bates number, if the Confidential Discovery Material bears a Bates number.

3. In the event that Discovery Material is produced without having been previously marked confidential, the producing party may notify Applicant of the appropriate confidentiality designation. Upon notice from the producing party, Applicant shall mark the

Discovery Material with the appropriate confidentiality designation and thereafter preserve such Discovery Material in accordance with this Order.

4. Disclosure of "Confidential" information and embodiments thereof described in paragraph 1, including all derivative information therefrom that discloses such "Confidential" information, shall be restricted solely to the following persons who agree to be bound by the terms of this Order, unless additional persons are stipulated by counsel or authorized by the Court ("Qualified Persons") and solely for use in a proceeding to which Applicant is a party (a "Proceeding"), provided, however, that if Applicant desires to use such documents in connection with Proceedings other than the proceedings currently pending in Austria (*i.e.*, the proceedings for spousal support [3C135/11d, before the District Court Villach]; division of assets [40FAM 231/12s, before the District Court Villach]; changes to trust documents [22Cg 213/11 g, before the Klagenfurt Regional Court], and the revocation of share transfer [20Cg 180/11 l, before the Klagenfurt Regional Court], collectively referred to herein

as the “Austrian Proceedings”), she shall first request and obtain leave of the Court to do so:

- a. Applicant, provided that she executes a Certification in the form shown in Exhibit A;
- b. Counsel of record for Applicant in this proceeding, including attorneys of said counsel’s law firm and all employees of said counsel’s law department or law firm including, but not limited to, paralegals, stenographic, and clerical employees— provided, however, that counsel shall advise all such persons of the terms of this Order and all such persons shall agree to the terms before reviewing any Confidential information;
- c. Counsel of record for Applicant in a Proceeding, including attorneys of said counsel’s law firm and all employees of said counsel’s law department or law firm including, but not limited to, paralegals, stenographic, and clerical employees— provided that they execute a Certification in the form shown in Exhibit A;
- d. A judge or other officer in this proceeding or who is presiding over a Proceeding and his or her personnel including, but not

limited to, stenographic reporters employed or engaged in the proceeding;

- e. Experts engaged by Applicant or her counsel of record to assist in a Proceeding, provided that such Experts execute a Certification in the form shown in Exhibit A; and
- f. Professional vendors that provide support services (e.g., photocopying; videotaping; translating; preparation of exhibits, or demonstrations; organizing, storing, or retrieving data in any form or medium, etc.) to Applicant or her counsel of record in this proceeding or a Proceeding and their employees, provided that counsel for Applicant shall advise all such persons of the terms of this Order and such persons shall not be allowed to retain copies of the "Confidential" Discovery Materials.

- 5. Counsel of record for Applicant in this proceeding or a Proceeding shall maintain a list of all Qualified Persons to whom any "Confidential" Discovery Materials are provided, which identifies the materials that were provided to them. The Qualified Persons, other than counsel, shall return such "Confidential" Discovery

Materials to counsel of record for Applicant in a Proceeding immediately after the conclusion of the Proceeding(s) in which they are involved, or the completion of such Qualified Person's involvement with the Proceeding(s), whichever is earlier.

6. Any person in possession of "Confidential" Discovery Material shall exercise special care with regard to the storage, custody or use of such "Confidential" Discovery Material in order to ensure that the confidential nature of the same is maintained.
7. Such information described in paragraph 1 above shall not be filed in a Proceeding or included in whole or in part in pleadings, motions, briefs, etc., filed in a Proceeding, except when such pleadings, motions, briefs, etc. have been filed under seal with leave of the judge or other officer presiding over a Proceeding by counsel (or, in the case of Austrian proceedings, otherwise shielded from public review) and marked in the same manner as described in paragraph 2 above and can be opened only by the court or other presiding officer or by personnel authorized to do so by Order of the court or other presiding officer.

8. If documents or other materials deemed “Confidential” are filed in a Proceeding, they shall be filed only under seal with leave of the court or other presiding officer (or, in the case of Austrian proceedings, otherwise shielded from public review) and marked as follows:

**CONFIDENTIAL IN ACCORDANCE WITH A
PROTECTIVE ORDER. THE DOCUMENTS HEREIN
SHALL BE TREATED AS CONFIDENTIAL AND SHALL
NOT BE SHOWN TO ANY PERSON OTHER THAN
COUNSEL OF RECORD FOR THE PARTIES IN THE
PROCEEDING.**

9. Use of such “Confidential” information and embodiments thereof described in paragraph 1, including all derivative information therefrom that discloses such “Confidential” information, shall be restricted solely to use in a Proceeding and shall not be used for any business, commercial, or competitive purpose, or disclosed to the media, public relations firms, etc. in any manner.
10. Whenever information designated as “Confidential” pursuant to this Order is to be discussed or disclosed in a hearing or in a Proceeding, counsel of record for Applicant in that Proceeding shall ensure that only a witness then providing testimony and Qualified Persons are present in the room.

11. This Order shall not constitute a waiver of a subpoenaed party's right to oppose any discovery request as provided under applicable law. Nothing in this Order shall prejudice any party for seeking amendments hereto further restricting the rights of access to and use of Confidential information, or other modifications.
12. If Applicant disputes the designation by a subpoenaed party of any Discovery Material as confidential, the parties shall attempt to resolve by agreement the question of whether or on what terms the Discovery Material is entitled to confidential treatment. If the parties are unable to resolve their dispute by agreement, then Applicant may seek a court order to overturn the designation. The designated Discovery Material in question shall continue to be treated as confidential subject to the terms of this Order pending judicial resolution of the dispute.
13. Inadvertent disclosure of Discovery Material subject to the attorney-client privilege or work-product immunity shall not result in the waiver of any associated privilege or protection, provided that the producing party promptly notifies Applicant in writing of such inadvertent disclosure after discovering same. Applicant shall

certify the destruction or return of any privileged or otherwise protected Discovery Material inadvertently disclosed immediately upon notice of disclosure. Further, it is impermissible for Applicant to make copies of or otherwise duplicate such inadvertently disclosed privileged Materials.

14. In the event that Applicant is subpoenaed to produce "Confidential" Discovery Material she shall promptly notify outside counsel for the producing party of the subpoena via e-mail (jrenzulli@renzullilaw.com) and regular U.S. Mail (John F. Renzulli, Renzulli Law Firm, LLP, 81 Main Street, White Plains, NY 10601).
15. Within ninety (90) days from and after the conclusion of the Austrian Proceedings either: (a) by compromise settlement, (b) by stipulated dismissal, (c) by entry of judgment and by conclusion of appeals, whichever shall occur first, counsel of record for Applicant in this proceeding shall retrieve all copies of "Confidential" Discovery Material from counsel of record for Applicant in the Proceedings and return them to counsel for the producing party; provided, however, that upon motion and good cause shown, the

Court may extend the foregoing period to permit Applicant to use the Discovery Material in other Proceedings.

16. This Protective Order shall be binding upon the Parties hereto and their attorneys, successors, executors, personal representatives, administrators, heirs, representatives, assigns, subsidiaries, divisions, employees, agents, retained experts, and the persons or organizations over which they have control.
17. The United States District Court for the Northern District of Georgia shall maintain continuing jurisdiction to enforce this Protective Order, during this proceeding and after its final conclusion. Any persons receiving or given access to "Confidential" Discovery Material pursuant to this Protective Order shall consent to the continuing jurisdiction of this Court for the purposes of enforcing this Protective Order and remedying any violations thereof.
18. After termination of this proceeding, including any appeals, the provisions of this Protective Order shall continue to be binding. This Court retains and shall have jurisdiction over the Parties and Qualified Persons who receive "Confidential" Discovery Material

for enforcement of the provisions of this Protective Order following termination of this proceeding.

19. Nothing contained in this Order shall require the removal from the Court's docket or record of any brief, pleading, motion, affidavit or other papers that are deemed confidential by Order of this Court.

SO ORDERED this 18 ^{November} day of ~~October~~, 2013.

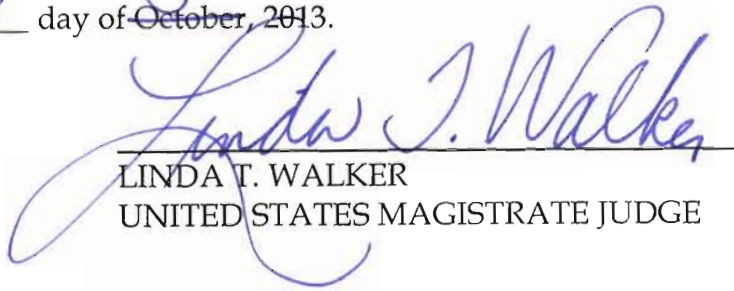

LINDA T. WALKER
UNITED STATES MAGISTRATE JUDGE

EXHIBIT A
CERTIFICATION AND CONFIDENTIALITY AGREEMENT

I, _____, certify and declare under penalty of perjury that I have read in its entirety and understand the Protective Order that was issued by the Northern District of Georgia on _____, 2013 in the case of In re: Application of H.M.G., Case No. 1:13-CV-02598. I agree to comply with and to be bound by all the terms of this Protective Order and I understand and acknowledge that failure to so comply could expose me to sanctions and punishment in the nature of contempt.

I further agree to submit to personal jurisdiction in the Northern District of Georgia for the purpose of enforcing the terms of this Protective Order.

Date

Signature

City and State where sworn and signed

Printed Name

Address

Phone Number