

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

STEVEN A. AVERY,

Plaintiff,

v.

Case No. 04-C-0986

MANITOWOC COUNTY,
THOMAS H. KOCOUREK, individually
and in his official capacity as
Sheriff of Manitowoc County,

and

DENIS R. VOGEL, individually
with respect only to his executive, administrative
and advice and counsel functions
and in his official capacity as
District Attorney of Manitowoc County,

Defendants.

STIPULATION FOR PROTECTIVE ORDER

WHEREAS, plaintiff has requested information maintained by the Manitowoc County Sheriff's Department and District Attorney's Office concerning the names, addresses, telephone numbers, and last known whereabouts of all employees from January 1, 1985 to the present; and

WHEREAS, Wisconsin and federal courts have recognized the significant public policy interest, as repeatedly provided by the Wisconsin legislature, in protecting the confidentiality of personnel and employment files of public employees. See § 19.36(10) and (11), Wis. Stats.; Wisconsin Newspress, Inc. v. School Dist. of Sheboygan Falls, 199 Wis. 2d 768, 784, 546 N.W.2d 143 (1996); Village of Butler v. Cohen, 163 Wis. 2d 819, 828, 830-31, 472 N.W.2d 579 (Ct. App. 1991); Gehring v. Case Corporation, 43 F.3d 340, 342 (7th Cir. 1994); and

WHEREAS, the exchange of this information among the parties and/or third parties other than in accordance with this Order may cause unnecessary or illegal disclosure of that information and violate the individuals' rights to privacy;

THEREFORE, IT IS AGREED AND STIPULATED between plaintiff, Steven Avery, and defendants, through their respective counsel, and this Court hereby orders that:

1. Information produced in response to plaintiff's request for employees' identification shall be designated with the legend "Confidential" or "Confidential - Subject to Protective Order" and shall be available to "qualified persons" only as defined in paragraph 2, below. No copies of confidential information shall be made, and there shall be no conversations regarding the confidential information except in the presence of qualified persons as defined in paragraph 2. The home addresses, telephone numbers, and any other information produced to plaintiff's counsel in response to discovery shall not be disclosed, generally, to the public, and specifically, to Steven Avery.

2. "Qualified person" shall mean:

- (a) outside counsel for the parties, including all partners, members and associate attorneys of such counsel's law firms, and all paralegal assistants, stenographic, clerical and other employees thereof, and investigators when operating under the supervision of such partners, members, or associate attorneys; and
- (b) Court personnel, including stenographic reporters engaged in such proceedings as are necessarily incident to the preparation for trial and/or trial of this action, including deposition reporters and their transcribers; and

3. Confidential information shall be used only in the preparation for and trial of this action, or appeal therefrom, and shall not be used for any other purpose.

4. Confidential information may be referred to in interrogatory answers, motions, briefs, and other filings, and may be marked as deposition or trial exhibits in this action; provided, however,

that no confidential document shall be used for any of these purposes unless it, or the portion of the court paper that discloses the contents of such document, is appropriately marked and separately filed under seal. If discussion of confidential documents takes place during a deposition, then that portion of the deposition shall be marked and treated as confidential.

5. Upon final termination of this litigation, each party, attorney, or other person subject to the terms of this Order, with the exception of the Clerk of Court, shall be under obligation to return all items designated as confidential and all copies thereof within ninety (90) days after such final termination.

Dated: June 10, 2005

WALTER F. KELLY, S.C.

By:
s/Walter F.Kelly

Walter F. Kelly
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Attorneys for Plaintiff

Dated: June 13, 2005

GLYNN, FITZGERALD AND ALBEE, S.C.

By:
s/Stephen M. Glynn

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Attorneys for Plaintiff

Dated: June 13, 2005

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By:
s/Raymond J. Pollen

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Dated: June 15, 2005

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Dated: June 14, 2005

BASCOM, BUDISH & CEMAN, S.C.
By:

s/Timothy A. Bascom

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