

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE COMMISSIONER OF VETERANS AFFAIRS

Duane L. Lasley,

Petitioner,

vs.

**PROTECTIVE**

**ORDER**

City of Duluth,

Respondent.

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This matter came before the above-named Administrative Law Judge (ALJ) based upon stipulation of the parties dated January 20, 2009.

The ALJ, having reviewed the documents, and based upon the files and records herein, now makes the following:

**PROTECTIVE  
ORDER**

1. Documents or other exchange of information produced by a party and that relate to Private or otherwise not public data under the Minnesota Government Data Practices Act, Minn. Stat. ' 13.01 et. seq. shall be designated as Private or otherwise not public data in accordance with the Act and labeled Confidential.

2. Private or otherwise not public data shall be used only for the purposes of this action; shall not be disclosed to any person or governmental agency or otherwise

made public, except for disclosure to the following:

- a. Counsel for any party in this action;
- b. Partners or regular employees of such counsel, including secretaries, paralegals, law clerks and associate attorneys;
- c. Any party to this action, including that party=s employees;
- d. Any witness or potential witness for the purpose of conducting an examination of such witnesses during the deposition or trial or for the purpose of preparing such witness for deposition or trial or interviewing such witness or potential witness;
- e. The Administrative Law Judge and employees of the Office of Administrative Hearings acting under his direction, all of whom are subject to the provisions of Minn. Stat. Chapter 13;
- f. Any expert retained or consulted by a party for the purpose of obtaining such expert=s advice or opinion regarding any issue in the litigation, but only to the extent necessary for the expert to provide such advice or opinion.

3. Before disclosing Private or otherwise not public data (other than to the ALJ, counsel for a party, other members of their firm, and their regular employees), the receiving party shall ensure that the recipient of such disclosure has (i) been provided a copy of this Protective Order and (ii) executed an Agreement to Maintain Confidentiality

in the form attached hereto as Exhibit A. Counsel for the receiving party shall retain executed Agreements to Maintain Confidentiality for one year following termination of this action and exhaustion of all appeals relating thereto.

4. Any person to whom Private or otherwise not public data is disclosed by a receiving party, or by any person who obtained such Private or otherwise not public data from the receiving party, shall be bound by the provisions of this Protective Order and is subject to all appropriate sanctions and remedies (including contempt) for any violation thereof.

5. Any Private or otherwise not public data filed with the ALJ shall be filed under seal.

6. Any party may move the ALJ with notice to all parties to enter an Order extending or otherwise modifying this Protective Order or relieving such party from any provision hereof as may be appropriate.

7. The parties shall negotiate in good faith prior to making any motion relating to a proposed extension or modification of this Protective Order. Any party hereto may waive the applicability of any provision of this Protective Order to any information, document or thing produced by that party.

8. Nothing herein shall prevent any party from disclosing any material that it has produced to any other person or otherwise restrict the use of such material by the party producing it. Such disclosure shall not be deemed to waive or otherwise modify the

protection or confidentiality provided herein.

9. Within sixty (60) days following conclusion of this action, all Private or otherwise not public data and documents containing Private or otherwise not public data held by persons other than the ALJ, including all copies, shall be returned to the producing party or destroyed. Counsel for the parties shall be entitled to retain copies of papers filed with the ALJ referring to Private or otherwise not public data but such papers shall be used solely for the purpose of preserving a file on this action and shall not be disclosed to any other person. This paragraph shall not apply to Duane Lasley's personnel data.

10. Any party may assert that particular information designated by any other party as Private or otherwise not public data is in fact public knowledge. Any existing party shall advise counsel for the disclosing party in writing of document(s) or testimony it contends are public knowledge. No disclosure shall take place until the ALJ has determined the application of this Protective Order to the particular information.

11. Counsel for each party to this Protective Order shall make a good faith effort to ensure compliance with the provisions hereof. In the event of a change in counsel, retiring counsel shall fully instruct new counsel of its responsibility under this Protective Order.

12. After the conclusion of this action, this Protective Order shall continue to be binding on the parties and recipients of not public data who have agreed to be bound

by this Protective Order's terms, and the parties agree that after the ALJ submits his Findings of Fact, Conclusions, and Recommendations to the Commissioner, the ALJ will retain jurisdiction over this matter for the purpose of enforcing this Protective Order.

Date: 1/21/09

s/Bruce  
Johnson

BRUCE JOHNSON  
Administrative Law Judge

**AGREEMENT TO MAINTAIN CONFIDENTIALITY**

I have read the Protective Order in the action of Duane Lasley, Petitioner vs. City of Duluth, Respondent, of Duluth, and understand its content. I understand that all information to be provided to me and designated or marked confidential is to be treated as confidential information and used only in connection with the subject proceeding, and that I shall not make disclosure of any such information to any other person. I agree to be bound by the terms of the Protective Order and understand that sanctions and other penalties may be imposed upon me for violation of the Protective Order.

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Dated this \_\_\_ day of \_\_\_\_\_, 200\_\_.