

IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE
FOR THE TWENTIETH JUDICIAL DISTRICT AT NASHVILLE

~~FILED~~
2017 OCT 18 PH 2:22

STATE OF TENNESSEE, *ex rel.* JULIE
MIX McPEAK, solely in her official
capacity as Commission of Commerce &
Insurance,

Plaintiff,

v.

GALILEE MEMORIAL GARDENS,
JM&M SERVICES, INC., LAMBERT
MEMORIAL CO., aka LAMBERT
MEMORIALS, INC. LAMBERT & SONS,
INC. JEMAR LAMBERT, MARJE
LAMBERT, and MARY H. LAMBERT,
and ALL PERSONS ACTING IN
CONCERT WITH THEM

Defendants

CLERK & MASTER
DAVIDSON CO. CHANCERY CT.

N.F.
Docket No. 14-0102-II

DAVIDSON CO. CHANCERY CT.
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PROTECTIVE ORDER

Pursuant to this Court's Agreed Order Lifting Stay For The Limited Purpose of Authorizing a Deposition of Robert E. Moore, Jr. With Conditions, the deposition of the Special Deputy Receiver, Robert E. Moore, Jr., will be taken on November 7, 2017. The Receiver and Special Deputy Receiver have filed a Motion seeking a Protective Order which would govern the production of certain documents by the Special Deputy Receiver related to his deposition.

DEFINITIONS

1. "CONFIDENTIAL INFORMATION," as used in this Protective Order, shall mean documents produced by the Special Deputy Receiver that are reasonably considered to be

(Proposed) Attachment
to Motion

confidential and protected by the legitimate privacy interests. Use of Confidential Information during this proceeding or any other proceeding, or otherwise, shall be governed by this Protective Order.

2. “CONFIDENTIAL” Information shall mean such Information reasonably considered to contain personal non-public information such as Social Security numbers or “cause of death” or other medical information.

EFFECT OF DESIGNATION AS CONFIDENTIAL

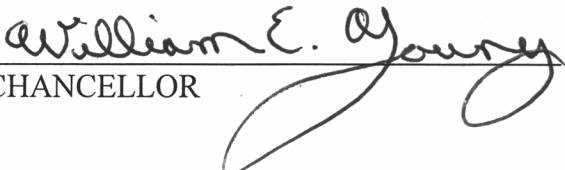
3 Confidential Information received through the production of documents related to the deposition of the Special Deputy Receiver may be used or disclosed by any party in any proceeding, counsel for any such party, expert witness, consultant, or their employees, only for proper purposes in any such proceeding and not otherwise.

4. Counsel for each party who obtains information designated as “Confidential” under this Order shall not disclose or permit disclosure of this information to any person or entity other than the following: (i) attorneys of the firm(s) of record for the parties; (ii) office personnel employed by the firm(s) of record for the parties to the extent necessary to assist in the litigation of this case; (iii) expert witnesses and consultants who may be used in the litigation of this case and who agree in writing to comply with the provisions of this Order; (iv) the parties or their employees, officers and/or directors involved in the defense and/or prosecution of this matter, (v) non-party witnesses who agree in writing to comply with the provisions of this Order; (vi) the Court and its personnel; and (vii) court reporters and videographers engaged for transcription and recording of depositions or trial in this case. If information designated as “Confidential” under this Order is filed in any Court, it shall either be filed under seal, or such material shall be redacted to remove the Confidential portions of such information prior to filing.

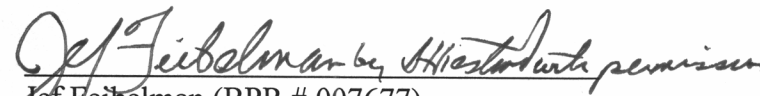
5. The parties recognize that some documents and electronically stored information (“ESI”) that may be produced in this litigation may inadvertently contain information not subject to discovery, including (i) attorney-client privileged communications and other information protected as “privileged” under applicable law (“Privileged Material”); and (ii) attorney work-product material prepared or compiled in anticipation of litigation (“Work-Product Material”). The parties agree that the inadvertent disclosure of any document or ESI which is subject to a legitimate claim that the document or ESI should have been withheld from disclosure as Work-Product Material or Privileged Material shall not waive any privilege or other applicable protective doctrine for that document or ESI, nor for the subject matter of the inadvertently disclosed statement or ESI, if the party which made the production, upon becoming aware of the disclosure, promptly requests its return and takes reasonable precautions to avoid such inadvertent disclosure. Unless the party in receipt of the Privileged Material or Work-Product Material disputes a claim pursuant to this paragraph, that party shall promptly return any documents which the producing party deems to contain inadvertently disclosed material and requests in writing be returned, including all copies thereof. In the event that the receiving party disputes, in writing, the producing party’s claim as to the protected nature of the inadvertently disclosed material, a single set of copies may be sequestered and retained by and under the control of the receiving party’s attorney to be used solely for the purpose of resolving the dispute, and shall remain so sequestered until the dispute is resolved by the parties or by the Court.

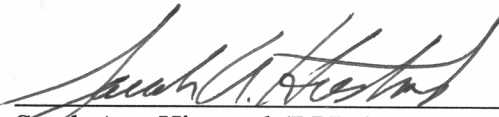
6. The Court’s Agreed Order Lifting Stay For The Limited Purpose of Authorizing a Deposition of Robert E. Moore, Jr. With Conditions and all other Orders of this Court in this matter are incorporated herein by reference.

IT IS SO ORDERED, this _____ day of _____, 2017.


CHANCELLOR

AGREED AS TO FORM AND SUBSTANCE:


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CERTIFICATE OF SERVICE

The undersigned hereby certified that a true and correct copy of the foregoing proposed Protective Order with Motion has been sent via U.S. Mail, postage prepaid, to the following on October 18, 2017, and via email as indicated or as may be supplemented.

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SARAH A. HIESTAND

EXHIBIT A

FILED

AGREEMENT TO BE BOUND BY PROTECTIVE ORDER

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By my signature below, I acknowledge that I have read the foregoing Protective Order and that I agree to be bound by its terms, specifically including but not limited to the terms concerning the Court's exclusive jurisdiction over disputes concerning compliance with the Order, and I hereby consent to such jurisdiction for the limited purpose of resolving any such dispute.

CLERK MASTER
DAVIDSON CO. CHANCERY CT.
E.C. & M

Printed Name: _____

Signature: _____

Date: _____