

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

_____,)	
)	
)	Case No. _____
)	
v.)	STIPULATED MOTION FOR
)	PROTECTIVE ORDER AND
)	PROTECTIVE ORDER
_____,)	
)	
_____.)	
_____.)	

This matter involves an alleged violation of the Public Employee Collective Bargaining Act (PECBA), ORS 243.650 to 243.782. The [Party], through its attorney, seeks production from [Producing Party] of [describe documents] (the “Confidential Documents”) pursuant to [describe reason for document request, e.g., PECBA or the public records statutes]. The Confidential Documents are confidential pursuant to [state basis for confidentiality]. The [Producing Party] has, therefore, declined to provide a copy of the Confidential Documents. The Confidential Documents, if produced in this case, may become part of the testimonial or evidentiary record at hearing. In order to protect the confidentiality of the Confidential Documents when produced by the Producing Party and when used at hearing as exhibits or as the basis for testimony, the parties move for a stipulated protective order in this case.

Pursuant to ORS 243.766(3), which authorizes the Employment Relations Board to take such actions with respect to proceedings on complaints of unfair labor practices as it deems necessary and proper, the parties request a stipulated protective order, as set forth below.

ORDER

Pursuant to ORS 243.766(3), the Administrative Law Judge ORDERS as follows:

1. The [Producing Party] shall produce to [Party] the Confidential Documents no later than [Date].
2. The Confidential Documents shall be handled in accordance with the terms of this Order.
3. The [Producing Party] may designate documents or information as confidential and subject to this protective order by stamping such documents as confidential or by notifying the [Receiving Party’s] attorney in writing or via email that particular

documents or categories of documents are confidential and subject to this protective order.

4. The [Receiving Party], including its counsel and counsel's staff, may use Confidential Documents only for purposes of this case and any administrative or judicial proceedings that result directly from it, including to prepare for this case, for use as exhibits at hearing, and as a basis for witnesses' testimony. No Confidential Documents may be disclosed to any third party, other than to [Receiving Party]. Witnesses shall not disclose any Confidential Documents to any person or other third party or discuss the contents of any Confidential Documents with any person or other third party.
5. All Confidential Documents produced by the [Producing Party] to the [Receiving Party], including any and all copies produced in conjunction with this matter, shall be returned by the [Receiving Party], its counsel and counsel's staff, to [Receiving Party] as of the date of the Final Order in this case, or the date all appellate recourse is ended or exhausted, or the date the appeal is withdrawn, or the date this matter is otherwise resolved.
6. In the event of any administrative or judicial proceedings that result directly from the Final Order in this case, the parties agree that they shall confer in good faith regarding any additional confidentiality protections the [Producing Party] requests to preserve the confidentiality of the Confidential Documents.
7. Any person to whom disclosure of Confidential Documents is made shall be advised of the provisions of this Order, shall be given a copy of this Order, and shall become subject to the provisions of this Order that require that all Confidential Documents be held in confidence and not be used for any purpose other than this case.
8. The provisions of this Order shall apply upon the earliest date of signature below by counsel for the parties.

It is so ordered.

Administrative Law Judge

Date: _____

It is so stipulated:

[Producing Party's Attorney]

[Receiving Party's Attorney]

Date: _____
