

IT IS HEREBY ADJUDGED
and DECREED this is SO
ORDERED.

The party obtaining this order is responsible for
noticing it pursuant to Local Rule 9022-1.

Dated: January 27, 2010



Randolph J. Haines

RANDOLPH J. HAINES
U.S. Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In re:

MORTGAGES, LTD.,

Debtor.

In Proceedings Under Chapter 11

Case No. 2:08-bk-07465-RJH

**PROTECTIVE ORDER RE:
PRODUCTION OF DOCUMENTS
BY HEBETS & MAGUIRE, LLC AND
SHELLEY HARTSUIKER PURSUANT
TO COURT ORDER**

Pursuant to Rules 2004 and 9018 of the Federal Rules of Bankruptcy Procedure and Rules 26(c) and 45(d)(2) of the Federal Rules of Civil Procedure, and based upon the Stipulated Motion of Kevin T. Halloran, as Liquidating Trustee of the ML Liquidating Trust (the "Liquidating Trustee"), and Hebets & Maguire, LLC and Shelley Hartsuiker (hereinafter collectively referred to as "H&M") for Protective Order Re: Production of Documents by Hebets & Maguire, LLC and Shelley Hartsuiker Pursuant to Court Order ("Motion").

1 attorneys and advisors, so long as such attorneys and advisors are provided with a copy of
2 the Protective Order and agree to be bound by its provisions to keep such information
3 confidential.
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5 3. Non-Production of Certain Information and Preservation of Right to
6 Challenge: H&M believes certain documents set forth on the Privilege Log attached
7 hereto as Exhibit 3, and incorporated herein by this reference, are protected from
8 production by Arizona Rule of Evidence 408 and A.R.S. § 12-2238. The parties agree that
9 H&M's current non-production of the documents listed on Exhibit 3 shall not constitute a
10 violation of the 2004 Examination Orders. The parties further agree that nothing contained
11 herein shall limit or waive the Liquidating Trustee's right to challenge the privilege
12 asserted as to any document(s) listed on Exhibit 3 and move the Court for an order
13 requiring the production of such document(s) at a later date.
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16 4. Designation of Confidential Information: At the time H&M produces
17 documents pursuant to the 2004 Examination Orders, H&M shall designate all information
18 it deems to be confidential as "Confidential" by (1) placing such designation
19 conspicuously on the information, in the case of a document; and (2) stating the
20 designation on the deposition or hearing/trial record, in the case of testimony from a
21 representative, agent, or employee of H&M.
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23 5. Use of Confidential Information: The parties stipulate and agree that they
24 will use the Confidential Information solely for purposes of these proceedings, including
25 any adversary proceedings that may be filed in the future. In so stipulating, no party
26 waives his/her/their rights to request that particularly sensitive documents be sealed and
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1 not be made a part of the public record. Further, no party waives his/her/their rights to
2 claim privilege pursuant to Rules 26(b)(5) and 45(d)(2) of the Federal Rules of Civil
3 Procedure. In addition, nothing contained herein to the contrary shall limit or waive the
4 Liquidating Trustee's right to request the Court's authorization to allow the disclosure
5 and/or use of any information or documentation produced in accordance with the 2004
6 Examination Orders for the purposes of any existing or future judicial proceedings.
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8 6. Destruction of Confidential Information: At such time as all of the matters
9 in the above-captioned pleadings have been concluded, all information produced by H&M
10 will be either destroyed or returned to H&M. The word "destroyed" means the destruction
11 of paper documents and any electronic means of storing protected health information
12 regarding Scott Coles. The parties may retain logs of the information that was received
13 and destroyed, including any Bates numbers, for purposes of their law firm's document
14 retention.
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16 7. Challenge to Designation: If any party disputes the designation of any
17 information hereunder, counsel for that party shall first attempt to resolve the dispute as
18 required by the Federal Rules of Civil Procedure. If, after good faith efforts to resolve the
19 dispute have failed, the party challenging the designation may move the Court for a
20 determination of the propriety of the designation.
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22 8. Expert Witnesses: Any expert witnesses or consultants retained by any
23 party to these proceedings are to be provided with a copy of this Protective Order and are
24 bound by its provisions, including but not limited to the requirement that any designated
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Confidential Information produced by H&M be destroyed at such time as all of the matters in the above-captioned proceedings have been concluded.

DATED this __ day of _____, _____.

Honorable Randolph J. Haines
Bankruptcy Judge