

DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO 1437 Bannock Street Denver, CO 80202	DATE FILED: <del>October 8, 2021 4:12 PM</del> CASE NUMBER: 2020CV34319
ERIC COOMER, Ph.D., Plaintiff  vs.  DONALD J. TRUMP FOR PRESIDENT, INC., et al., Defendants	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
	Case Number:           2020CV034319  Division Courtroom:       409
<b>AMENDED OMNIBUS PROTECTIVE ORDER DATED OCTOBER 8, 2021          ENTERED PURSUANT TO C.R.C.P. 26(C)</b>	

This Amended Omnibus Protective Order Dated October 8, 2021 supersedes all prior protective orders entered in this matter. In the future, if certain information is added to the scope of the protective order, or if certain information is removed from the scope of the protective order, an amended Omnibus Protective Order will be issued.

In accordance with the Court’s prior rulings in this matter, the Court finds good cause for the entry of a Protective Order under C.R.C.P. 26(c).

Specifically, the Court has determined that the following information, referred to herein as “Confidential Information” should be protected from disclosure outside of these proceedings at this time and until otherwise modified by subsequent order of the Court.

- The Court's Disclosure Re: Ex Parte Communication and attached Exhibit 1 dated 9/22/2021.
- Any version of the document attached as Exhibit D-6 to Plaintiff's Omnibus Response to All Defendants' Special Motions to Dismiss Pursuant to C.R.S.A. 13-20-1101.

Accordingly, the Court ORDERS as follows:

This Protective Order shall govern the answers to interrogatories, responses to requests for admission, production of documents, and deposition transcripts, and court filings which contain Confidential Information.

Except as otherwise expressly provided herein or ordered by the Court, Confidential Information as defined above and marked as "Confidential" may be revealed only as follows:

- (a) To counsel for a party (and secretaries, paralegals, and other staff employed in the offices of such counsel who are working on the litigation).
- (b) To the parties and the parties' directors, officers, employees, or representatives, after such persons have been given a copy of this Protective Order by their counsel and have acknowledged in writing that they agree to be bound by this Protective Order.
- (c) To court reporters transcribing a deposition, hearing, or other proceeding in this matter.
- (d) To independent experts and independent consultants (meaning a person who is not an employee, officer, director, or owner in any capacity of a party and who is retained by a party or a party's outside counsel in good faith for the purpose of assisting in this litigation) after such persons have been given a copy of this Protective Order by a party's counsel and have acknowledged in writing that they agree to be bound by this Protective Order.

Confidential Information may be used only for purposes of this litigation. Each person to whom the disclosure of any Confidential Information is made shall not, directly,

or indirectly, use, disclose, or disseminate, or attempt to use, disclose, or disseminate, any of the same except as expressly provided in this Protective Order.

If Confidential Information is to be discussed or disclosed during a deposition or court hearing, a party shall have the right to exclude from attendance at the deposition, during the time the Confidential Information is to be discussed, any person not entitled under this Protective Order to receive the Confidential Information.

Subject to the Colorado Rules of Evidence, Confidential Information may be offered into evidence at trial or at any hearing or oral argument.

**In the event Confidential Information is used in any pre-trial court filing in this action, the parties are ordered to redact all Confidential Information in a fashion to allow for identification of the witness without disclosing identities (e.g., Person 1, Person 2, etc.). Any motion requesting leave to file unredacted documents containing Confidential Information must be filed in accordance with C.R.C.P. 121, Sec. 1-5.**

**Any filing which contains non-redacted Confidential Information must be filed as a “Suppressed” filing. Any filing which contains Confidential Information, whether redacted or not, must contain the following designation in the title of the pleading or filing: “CONTAINS CONFIDENTIAL INFORMATION SUBJECT TO OMNIBUS PROTECTIVE ORDER.”**

Nothing in this Order shall constitute an admission by any party that information designated as confidential is Confidential Information. Documents or information available in the public domain, or otherwise previously known by or available to any party,

a party's representative(s), directors, officers, and employees, as well as independent experts and consultants hired by counsel, are not rendered confidential solely by disclosure and designation under this stipulation. Furthermore, nothing contained herein shall preclude the parties or a person from raising any available objection or seeking any available protection with respect to any Confidential Information, including but not limited to the grounds of admissibility of evidence, relevance, trial preparation materials and privilege.

If opposing counsel objects to the designation of certain information as Confidential Information, he or she shall promptly inform the other parties' counsel in writing of the specific grounds of objection to the designation. All counsel shall then, in good faith and on an informal basis, attempt to resolve such dispute. If after such good faith attempt, all counsel are unable to resolve their dispute, opposing counsel may move for a disclosure order consistent with this order. Any motion for disclosure shall be filed within 10 days of receipt by counsel of notice of opposing counsel's objection, and the information shall continue to have Confidential Information status from the time it is produced until the ruling by the Court on the motion.

It is SO ORDERED, this 8<sup>TH</sup> day of October, 2021.

A handwritten signature in blue ink that reads "Marie Avery Moses". The signature is written in a cursive, flowing style.

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Honorable Marie Avery Moses  
District Court Judge