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6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

7 IN AND FOR THE COUNTY OF MARICOPA

8 Desert Mountain Club, Inc.

9 Plaintiff,

10 vs.

11 Eric Graham and Rhona Graham, husband
12 and wife, et al.

13 Defendants.

No.: CV2014-015333
No. : CV2014-015334
No.: CV2014-015335
(Consolidated)

Protective Order

(Assigned to the Hon. David Gass)

14
15 Pursuant to an agreement between and among plaintiff Desert Mountain Club, Inc.
16 (the "Club"), defendants Eric Graham and Rhona Graham (together, the "Grahams") and
17 defendants Thomas Clark and Barbara Clark (together, the "Clarks"), the court hereby
18 enters this protective order.

19 IT IS ORDERED as follows:

20 1. Following briefing and oral argument on the motion to compel filed by the
21 Clarks and the Grahams, this court has ordered the Club to disclose the names and most
22 current contact information (physical address(es), e-mail address(es) and telephone
23 number(s)) ("Member Contact Information") for all individuals who were Equity Golf
24 Members of the Club at any point on or after December 31, 2010, and who are no longer
25 Equity Golf Members of the Club. The court has further determined that the Member

1 Contact Information sought by the Clarks and the Grahams and produced by the Club
2 pursuant to this court's order constitutes confidential information.

3 2. The disclosure and use of the Member Contact Information produced by the
4 Club pursuant to this court's order shall be confined to the following matters: (a) *Desert*
5 *Mountain Club, Inc. v. Graham*, No. CV2014-016333; and (b) *Desert Mountain Club,*
6 *Inc. v. Clark*, No. CV2014-16334 (collectively, the "Litigation"). There is a third action
7 that has been consolidated into the Litigation, *Desert Mountain Club, Inc. v. Fabian*, No.
8 CV2014-016335 (the "Fabian Action"). In light of the current procedural posture of the
9 Fabian Action, the Club shall not need to provide the Member Contact Information to
10 Barry Fabian and Lori Fabian.

11 3. This protective order shall govern the Club's disclosure of Member Contact
12 Information in compliance with this court's order and the manner in which the Member
13 Contact Information produced by the Club pursuant to this court's order may be used by
14 those to whom such Member Contact Information is disclosed.

15 4. In providing the Member Contact Information, the Club shall place on
16 every page the word **CONFIDENTIAL** in a conspicuous manner.

17 5. The Clarks and the Grahams may utilize the Member Contact Information
18 produced by the Club pursuant to this court's order only in connection with their defense
19 of the claims asserted against them in the Litigation and for no other purpose.

20 6. In connection with the defense of the Clarks and the Grahams in the
21 Litigation, documents containing Member Contact Information produced by the Club
22 pursuant to this court's order and information contained in such documents may be
23 disclosed only to the following individuals:

- 24 (A) The attorneys of record for the Clarks and the Grahams and their
25 respective partners, associates, clerks, legal assistants, and support personnel;
- (B) The Clarks and the Grahams;
- (C) The court and its personnel;

1 (D) Any Club personnel who are deposed in the Litigation; and

2 (E) Such individuals as hereinafter may be designated by written
3 agreement of all parties in the Litigation or by order of the Court.

4 7. In communications with individuals whose names and contact information
5 are contained in the Member Contact Information produced by the Club pursuant to this
6 court's order, the attorneys of record (and their support staffs) may communicate that
7 they received the Member Contact Information from the Club pursuant to a court order
8 directing the Club to provide such information.

9 8. All individuals to whom Member Contact Information produced by the
10 Club pursuant to this court's order is disclosed shall be subject to the restrictions set
11 forth in this protective order. In connection with any such disclosure, the recipient shall
12 be provided a copy of this protective order and shall be advised that they may not make
13 any further disclosure of the Member Contact Information and that the Member Contact
14 Information may be used only in connection with the Litigation. All recipients of
15 Member Contact Information shall be subject to the jurisdiction of this court to address
16 any claims of improper use or disclosure of such Member Contact Information.

17 9. In the event there is evidence indicating it is more likely than not that a
18 document containing Member Contact Information produced by the Club pursuant to this
19 court's order or information derived from such a document has come into the possession
20 of any individuals or entities that are not permitted recipients of such information under
21 paragraph 6, counsel for the Clarks and the Grahams shall, within five business days
22 following written (including e-mail) request from counsel for the Club, which discloses
23 the evidence upon which the request is based, identify all persons to whom documents
24 containing the Member Contact Information produced by the Club pursuant to this
25 court's order or information derived from such a document has been disclosed.

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/S/ David Gass Date: 4/19/2016
Judicial Officer of Superior Court

ENDORSEMENT PAGE

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