

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY

JOHN DOE B.P.,)	
)	
PLAINTIFF,)	
)	
vs.)	Case No. 1016-CV-29995
)	
FATHER MICHAEL TIERNEY, et al.,)	DIVISION 7
)	
DEFENDANTS.)	

ORDER

1. It is hereby ordered that any deposition testimony concerning any documents or information otherwise provided in response to Fr. Tierney's October 27, 2011 subpoena, and any such testimony given is hereby UNDER SEAL and designated as "CONFIDENTIAL." The reporter shall transcribe this testimony so designated and shall mark the face of the transcript "CONFIDENTIAL PURSUANT TO ORDER OF COURT." The transcript or portion of the transcript so marked shall be kept under seal.

2. Whenever any document or portion of deposition testimony designated as "CONFIDENTIAL" is identified as an exhibit in connection with testimony given in these proceedings, it shall be so marked and shall only be filed separately under seal with the Clerk of the Court.

3. Any deposition testimony designated as "CONFIDENTIAL" shall be subject to this Order, including all confidential matters revealed in memoranda or other documents submitted to this Court. The Clerk of the Court shall maintain under seal such documents, information or testimony designated "CONFIDENTIAL" and submitted to the Court, to be made available only to the Court and those persons identified.



4. Neither counsel for Plaintiff, nor Defendants, nor cross-notice plaintiffs or defendants, nor Clohessy / SNAP shall permit disclosure of protected documents or information to anyone except as herein provided, and only after the conditions stated herein have been previously met.

5. A "CONFIDENTIAL" document or portion of deposition testimony or transcript and any information contained therein may not be disclosed to any person except: (a) any party to this action; (b) counsel for said parties, including their paralegal and clerical staff; or (c) consulting a retained expert witnesses.

6. The "CONFIDENTIAL" documents or transcripts and any information contained therein shall be used solely for purposes of this civil action, and shall not be used or offered for use in connection with any other litigation or proceeding of any kind, or for any business, commercial or other purpose.

7. If, during trial or in connection with any motion or other proceeding in this matter, Plaintiff or Defendants intend to offer into evidence any documents, exhibits, or other materials that would reveal or tend to reveal confidential material, Clohessy and/or SNAP's counsel should be given notice no later than seven (7) days prior to the date set for the trial, motion, or other proceeding, unless precluded by court scheduling or unless this Court rules otherwise. Upon request, any such evidence shall be submitted under seal *except as to trial or further orders of court.*

8. Within thirty (30) days after termination of this lawsuit by dismissal, judgment or otherwise, Plaintiff's and Defendants' counsel shall return to counsel for Clohessy all information designated "CONFIDENTIAL" under this Order, including all copies, prints, excerpts, and other reproductions of said documents or information. In the alternative, such counsel may supervise the destruction of all "CONFIDENTIAL" documents or information and

advise Clohessy and/or SNAP's counsel in writing that all "CONFIDENTIAL" documents and information have been destroyed.


9. No person receiving any "CONFIDENTIAL" document or transcript shall disclose it or its contents to any person other than those specifically set forth herein, and only for the purposes specified herein, and in no event shall such person make any other use of such document, transcript or contents. Any person to whom "CONFIDENTIAL" documents or transcripts are made available shall be advised by counsel of the terms of this Order and shall be instructed that they may only use the documents pursuant to the terms of this Order and after the trial is over, all copies of documents in their possession must be returned to Defendants' counsel or destroyed.

10. The persons to whom "CONFIDENTIAL" documents, transcripts and/or information are disclosed shall at all times conduct themselves in a manner calculated to preserve the confidentiality of the documents, information and transcripts to which this Order applies.

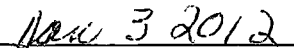
11. Nothing in this Order shall be deemed to preclude any party, for good cause shown, from obtaining an order modifying the terms of this Order.

12. In the event of a breach of this Order, the non-breaching party shall be entitled to recover from the breaching party all attorney's fees, costs and expenses incurred in obtaining the breaching party's compliance with this Order and all damages arising from the breach.

SO ORDERED:



Hon. Ann O. Mesle, Circuit Judge
Jackson County Circuit Court, Division 7



Date