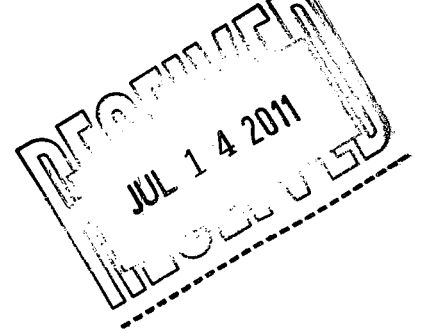


IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS



HOLIDAY SHORES SANITARY DISTRICT, *et al.*,)
Individually and on behalf of all others)
similarly situated,)

Plaintiffs,)

v.)

Cause No. 2004-L-000710

SYNGENTA CROP PROTECTION, INC., *et al.*)

Defendants.)

MOTION FOR A PROTECTIVE ORDER

1. On August 31, 2009, the Court entered a protective order allowing the designation of certain documents, materials, or information as “confidential,” and providing for the use and dissemination of the information, documents, or materials that have been so designated. *See Protective Order filed August 31, 2009 (“Protective Order”), ¶ 1.*

2. Under the Protective Order, a party or other person who produces or supplies information, documents, or other material used in this action may designate as confidential “any such information, document or material that it reasonably and in good faith believes constitutes or contains Trade Secret information.” *Protective Order, ¶ 4.*

3. A party may also designate deposition testimony as confidential under the protective order. “Depositions may be designated Confidential by indicating that fact on the record at the deposition. ...Within ten (10) business days of receipt

of the initial deposition transcript, the Designating Party shall advise the court reporter and opposing counsel of the specific pages and lines in which Confidential Information appears.” *Protective Order*, ¶5.

4. The documents or information that may be designated as confidential under the Protective Order, are “defined to include (a) information, documents, or materials not in the public domain that are so proprietary or competitively sensitive that their public disclosure is very likely to cause competitive injury, (b) matters that constitute or contain trade secrets pursuant to the applicable law of the State of Illinois, or (c) information, documents or materials that are prohibited or barred from publication/ release to the public by any state or federal law.” *Protective Order*, ¶3.

5. The Illinois Trade Secrets Act defines a trade secret as “information, including, but not limited to, technical or non-technical data, a formula, pattern, compilation, program, device, method, technique, drawing, process, financial data, or list of actual or potential customers or suppliers, that: (1) is sufficiently secret to derive economic value, actual or potential, from not being generally known to other persons who can obtain economic value from its disclosure; and (2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy or confidentiality.” 765 ILCS 1065/2(d).

6. Plaintiffs dispute the confidential designations of deposition testimony of the head of media relations of Syngenta Crop Protection, Inc. (“SCP”). Plaintiffs

do not believe that this testimony contains information that falls within the definition of confidential information under the Protective Order.

7. On June 9, 2011, Plaintiffs took the video evidence deposition of Sherry Ford. *See transcript of deposition of Sherry Ford, which will be filed under seal as Exhibit 1.* SCP failed to indicate on the record that Ms. Ford's testimony included confidential information. *See Exhibit 1.*

8. On June 24, 2011, counsel for SCP sent a letter to the court reporter designating certain pages and lines of the deposition as confidential under the protective order. *See letter from Peter M. Schutzel to Brian Lee of National Client Services dated June 24, 2011, attached hereto and incorporated herein as Exhibit 2.*

9. In compliance with the Protective Order, Plaintiffs sent written notice of its objection to the confidential designation of Sherry Ford's deposition testimony. *See letter from Christie Deaton to Kurtis B. Reeg, dated June 24, 2011, attached hereto as Exhibit 3, and incorporated herein.*

10. The Protective Order provides that the "parties shall, within fifteen (15) days of service of the written objection, confer concerning the objection." Protective Order, ¶12.

11. The parties attempted to resolve this dispute during a conference call on July 8, 2011, but were unable to do so.

12. As a hearing is currently scheduled for July 15, 2011, concerning the confidential designation of documents related to Ms. Ford, Plaintiffs file this motion

to preserve the time and resources of the Court and the parties by seeking to have this matter heard at the same time as other similar issues.

WHEREFORE, Plaintiffs, Holiday Shores Sanitary District, *et al.*, individually and on behalf of all others similarly situated, respectfully moves this Court for an Order deeming the June 9, 2011, deposition testimony of Sherry Ford not confidential under the Protective Order entered on August 31, 2009; and any further or alternative relief as is just and appropriate in the circumstances.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that true copies of the Plaintiffs' Motion for a Protective Order were served upon the attorneys of record for the defendants in this cause via United States mail, by enclosing said copy in an envelope addressed to said attorneys at his/her address as disclosed by the pleadings on file in this cause and by depositing said envelope in a U.S. Post Office mailbox on this 12th day of July, 2011.

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