

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

WILL MCRANEY

PLAINTIFF

V.

CIVIL CAUSE NO. 1:17-CV-80-GHD-DAS

**THE NORTH AMERICAN MISSION BOARD
OF THE SOUTHERN BAPTIST CONVENTION, INC.**

DEFENDANT

**STIPULATED ORDER REGARDING
CONFIDENTIALITY OF THIRD-PARTY DOCUMENTS
PRODUCED BY THE ERLC**

PRESENTLY BEFORE THE COURT is a Joint Motion to Enter Stipulated Order Regarding Confidentiality of Third-Party Documents Produced by the ERLC [Doc. # 194]. After careful consideration, the Court finds that:

1. Plaintiff Will McRaney has served a subpoena dated September 16, 2022, on third-party Respondent, The Ethics and Religious Liberty Commission of the Southern Baptist Convention [“ERLC”], seeking documents in connection with the above-captioned litigation.

2. ERLC has agreed to produce certain documents in response to the subpoena but wishes for its production to be subject to confidentiality provisions.

3. There is currently no protective order governing discovery entered in this matter.

4. Nevertheless, an order regarding confidentiality of the third-party documents responsive to Plaintiff’s subpoena is in order.

5. ERLC and the parties have reached an agreement regarding the confidentiality provisions that should govern ERLC’s production of the documents, and the Court finds those provisions to be appropriate and necessary.

IT IS, THEREFORE, ORDERED THAT:

1. ERLC shall label as “Confidential” any documents that it produces in this matter that it wishes to protect from disclosure and believes are entitled to protection under the Federal Rules of Civil Procedure.

2. The parties and any person receiving ERLC documents labeled Confidential pursuant to the terms of this Stipulated Order may use said documents only for the purposes of this litigation.

3. The parties and their counsel are responsible for employing reasonable measures to control access to and secure distribution of ERLC documents designated Confidential.

4. Except as otherwise provided in this Stipulated Order, Confidential ERLC documents shall only be disclosed to the following persons:

(a) Counsel for the parties who have appeared in this litigation and associated personnel necessary to assist counsel in this action, such as paralegals and litigation support, information technology, information or records management, investigative, secretarial, or clerical personnel, provided that each is first advised of the terms of this Order;

(b) The parties and their officers or employees, including in-house counsel, whose assistance is reasonably necessary to assist counsel in this action, provided that each is first advised of the terms of this Order;

(c) Experts or consultants retained for this litigation, including both consulting and testifying experts, who have first signed the “Acknowledgement and Agreement to Comply with Stipulated Order Regarding Confidentiality of Third-Party Documents Produced by the ERLC” in the form attached hereto as Exhibit A;

(d) The Court and court personnel;

(e) Court reporters, videographer services, translation service, photocopy service, document management service, records management service, graphics service or such other litigation assistance service designated by a party or party's legal counsel in this litigation who have first signed the attached "Acknowledgement and Agreement to Comply with Stipulated Order Regarding Confidentiality of Third-Party Documents Produced by the ERLC";

(f) Any private mediators used in this action and their employees who have first signed the attached "Acknowledgement and Agreement to Comply with Stipulated Order Regarding Confidentiality of Third-Party Documents Produced by the ERLC";

(g) Any witness who is called to testify at a deposition or hearing in this litigation, provided that any such person or entity is advised of the terms of this Stipulated Order.

5. Counsel for the parties shall maintain all copies of the executed "Acknowledgement and Agreement to Comply with Stipulated Order Regarding Confidentiality of Third-Party Documents Produced by the ERLC" forms, as well as a list of all individuals who have signed the forms.

6. Persons receiving ERLC Confidential material pursuant to the terms of this Stipulated Order are prohibited from disclosing it to any person except in conformance with this Protective Order.

7. This Stipulated Order does not itself provide confidential treatment to motions, briefs, or other filed documents, or require any party to file anything under seal. If a party files a motion or other submission specifically disclosing the substance of ERLC's Confidential materials produced pursuant to the third-party subpoena, ERLC may seek an order from the Court to seal any such documents, after conferring with the parties and setting forth the position of the parties in any ERLC motion to seal.

8. Absent further order from the Court, within 90 days of the conclusion of this litigation, including appeals, the parties shall destroy or delete all Confidential items that have not been made public as a result of proceedings referenced herein and certify in writing to ERLC that the items have been destroyed or deleted.

This the 13th day of December, 2022.

/s/ David A. Sanders
UNITED STATES MAGISTRATE JUDGE