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10 Attorneys for the Hopi Tribe  
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12 IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA  
13 IN AND FOR THE COUNTY OF APACHE

14 IN RE THE GENERAL ADJUDICATION  
15 OF ALL RIGHTS TO USE WATER IN  
16 THE LITTLE COLORADO RIVER  
17 SYSTEM AND SOURCE

Case No. CV 6417-203

**~~PROPOSED~~ PROTECTIVE  
ORDER**

18  
19 The Court, having reviewed the stipulation entered into between the Hopi  
20 Tribe and the Navajo Nation and good cause appearing,

21 IT IS HEREBY ORDERED that the following Protective Order shall govern  
22 the disclosure, handling, and use of documents and data as specified below.

23 **I. Definitions**

24 1. "Walpi Reports" are the following reports relied upon by E. Charles  
25 Adams in his 2007 report titled *Hopi Use and Development of Water Resources in the*  
26 *Little Colorado River Drainage Basin of Arizona: An Archaeological Perspective to*  
27 *1700:*  
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- E. Charles Adams, *Walpi Archaeological Project: Synthesis and Interpretation* (1982).
- Jenny L. Adams, *Perishable Artifacts from Walpi. Walpi Archaeological Project*, Phase II, Vol. 5, Part I (1980).
- Nicholas J. Czaplewski and George A. Ruffner, *An Analysis of the Vertebrate Fauna of Walpi. In Walpi Archaeological Project*, Phase II, Vol. 8, Part I (1981).
- Robert E. Gasser, *The Plant Remains from Walpi. Walpi Archaeological Project*, Phase II, Vol. 7, Part I (1981).
- Kate Peck Kent, *An Analysis of Textile Materials from Walpi Pueblo. Walpi Archaeological project*, Phase II, Volume 6, Part I (1979).

2. "Party" includes all parties to CV 6417-203.

**II. Redactions and Limitations on Use**

3. The Hopi Tribe will redact from the reports sections that describe Hopi ceremony and ceremonial artifacts. The Hopi Tribe will provide a table of contents showing the title of the redacted section.

4. **Disclosure of Confidential Information.** Except with the prior written consent of the Hopi Tribe, the Walpi Reports may be disclosed only to the following:

- (a) Counsel for any Party and any attorneys, paralegals, office clerks, secretaries, outside copying services and other personnel working under their supervision and assigned to perform duties in connection with the prosecution or defense of this action.
- (b) Any consultants or experts retained by any counsel of record for any Party, subject to compliance with Paragraph 7.
- (c) Any other person whom the Hopi Tribe agrees in writing should have access to the Walpi Reports, subject to compliance with Paragraph 7.

1 (d) The Court and its personnel, subject to the provisions for filing  
2 under seal set forth in the Arizona Rules of Civil Procedure and  
3 other applicable rules.

4 5. **Execution of Exhibit A.** Prior to obtaining access to the Walpi  
5 Reports, all persons described in Paragraph 4(b) and (c) above shall be shown a copy  
6 of this Protective Order and shall execute the document attached as Exhibit A.  
7 Counsel for the Hopi Tribe shall be responsible for maintaining copies of the executed  
8 Exhibit A.

9 6. **Disclosure of Parties' Own Confidential Information.** Nothing  
10 herein shall restrict or preclude the Hopi Tribe from disclosing information contained  
11 in the Walpi Reports to any person or entity without regard to the provisions of this  
12 Protective Order.

13 7. **Use of Confidential Information.** Each Party's use of the Walpi  
14 Reports is limited to purposes reasonably necessary for the effective prosecution or  
15 defense of this action.<sup>1</sup>

16 **III. Other Provisions**

17 8. **Non-Waiver of Rights.** Entering into and complying with the terms of  
18 this Protective Order shall not constitute a waiver of any rights to object to discovery  
19 or to the authenticity or admissibility into evidence of any documents or other  
20 materials produced in discovery. Neither the production of the Walpi Reports by the  
21 Hopi Tribe, nor the receipt of the Walpi Reports by a Party, shall be deemed to waive  
22 any testimonial or other privileges or protections that the Hopi Tribe may otherwise  
23 have.

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27 <sup>1</sup> The parties are permitted to paraphrase, cite to, and/or reference the Walpi  
28 Reports. Such use of information does not require that pleadings, expert reports, or  
other documents paraphrasing, citing to, and/or referencing the Walpi Reports be filed  
under seal or returned at the conclusion of the action.



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**EXHIBIT A**

**Agreement to Terms of the Protective Order**

**FORM OF ACKNOWLEDGEMENT:**

I, \_\_\_\_\_, being a person authorized in this Protective Order to have access to documents and information covered by the Protective Order, have read and understood this Protective Order, and hereby agree to be bound by this Protective Order.

s/ \_\_\_\_\_

Date: \_\_\_\_\_

Print name: \_\_\_\_\_