STATE OF MICHIGAN
COURT OF CLAIMS

AHAB CHOPRA,
an individual

Plaintiff,

v

BOARD OF REGENTS OF THE
UNIVERSITY OF MICHIGAN

Defendant.

Case No. 25-000021-MK
HON. James Robert Redford

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STIPULATED [PROPOSED] PROTECTIVE ORDER

Pursuant to MCR 2.302(C), the Court's authority, and on stipulation of the parties, the following protective provisions shall govern the handling of testimony, information, and documents produced by the parties:

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1. Scope of Use

    a. Scope. All information, documents, or things produced, exchanged, or inspected in the course of this proceeding may be used for the purposes of this proceeding only as provided in this Order. The parties agree to seek the entry of a substantially similar order in Plaintiff's parallel federal lawsuit pending in the Eastern District of Michigan (Case No. 2:25−cv−10372−MFL−DRG), should that case proceed to discovery, to ensure consistent treatment of discovery in both cases. Discovery documents exchanged in this case may be used in the federal case for purposes of that proceeding.

2. FERPA

    a. "FERPA-Related Information" means information maintained by an educational agency or institution that directly relates to a student and contains Education Records or Personally Identifiable Information from Education Records subject to the Family Educational Rights and Privacy Act, including grades, transcripts, class lists, student course schedules, health records, student financial information, and student discipline files.

    b. The parties will redact student names and other direct or indirect identifiers from FERPA-Related Information relating to any student, other than Plaintiff, and shall replace such information with encoded identifiers. FERPA-Related Information pertaining to Plaintiff need not be redacted as to Plaintiff's identity but remains subject to the use and disclosure limitations of this Order.

    c. The producing party shall assign a unique encoded identifier to each student (other than Plaintiff) identified in FERPA-Related Information, such as "Doe 1," "Doe 2," or

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"Student A," and shall use that identifier consistently across all productions, depositions, and filings.

d. The producing party shall create and maintain the Key linking each encoded identifier to the corresponding student identity. The Key shall be designated "Attorneys' Eyes Only" and may be disclosed only to counsel of record for the parties, their professional staff, and any vendor or expert retained in this matter who requires access for case-related purposes and who agrees in writing to be bound by this Order. Each party shall have access to the Key for identification purposes under the restrictions of this paragraph. The Key shall not be filed on the public docket.

e. The producing party shall promptly update the Key and provide updated versions to counsel of record when additional encoded identifiers are created or when corrections are necessary.

3. Confidential Information

a. Designation: Each party shall have the right to designate, in good faith, Confidential Information as "Confidential" and subject to this Protective Order.

b. "Confidential Information" is defined as:

i. Plaintiff's applications to other medical schools;

ii. FERPA-Related Information involving individuals other than Plaintiff; and

iii. Patient Health Information (PHI). Given that PHI is specifically defined under HIPAA, to the extent the parties produce or exchange actual medical records, the parties agree this Order shall constitute a Qualified Protective Order (QPO) consistent with HIPAA requirements (45 CFR § 164.512(e)), expressly prohibiting the parties from using or disclosing PHI for any purpose other than

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the litigation and requiring the return or destruction of PHI when the case is closed.

c. Manner of Designation

i. This designation shall be made by stamping each page of a document containing Confidential Information with the legend "CONFIDENTIAL" at or before the time the document is produced to the receiving party.

ii. Any party may designate deposition testimony as confidential if it contains Confidential Information defined in Section 3(b) of this Order, in which case the pages of the transcript with the confidential testimony shall be marked "CONFIDENTIAL." Such designation shall be made within 10 days of any transcription of the deposition.

iii. Notwithstanding any party's designation(s), the Court in accordance with the provisions of the Michigan Court Rules and relevant case law shall make the ultimate determination of whether information is actually entitled to the designation "Confidential," and nothing in this Order shall be deemed to have altered the parties' burdens in establishing or disputing the propriety of any designation of confidentiality.

d. Challenge to Designations: Any receiving party disagreeing with a designation may request in writing that the producing party change the designation. The producing party shall then have five (5) business days after receipt of a challenge notice to advise the receiving party whether or not it will change the designation. If the parties are unable to reach agreement during this time, the producing party may seek a Court order to support the designation within fourteen (14) business days. Until any dispute under this

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paragraph is ruled upon by the Court, the designation shall remain in full force and effect. Failure to file within the fourteen (14) business days amounts to waiver.

e. Inadvertent Production: In the event that a party inadvertently and despite the exercise of due diligence produces Confidential Information without the "CONFIDENTIAL" legend, the producing party shall, promptly upon discovery of the inadvertent production, provide the receiving party with (i) written notice that the Confidential Information is designated Confidential under this Protective Order and (ii) replacement copies of the Confidential Information marked "CONFIDENTIAL." However, no party shall be found to have violated this order for failing to maintain the confidentiality of material during a time when that material has not been designated Confidential, even where the failure to so designate was inadvertent and where the material is subsequently designated Confidential.

f. Failure to Designate: Failure to designate or withhold any Information as Confidential Information, or as subject to a claim of attorney-client privilege, work product protection, or any other privilege or immunity will be handled pursuant to prevailing law and nothing herein will be deemed to alter existing law.

4. Restrictions on Confidential Information

a. Purposes: Confidential Information shall be used only for the limited purpose of preparing for and conducting this action (including any appeals), and preparing for and conducting the related federal action (including any appeals) upon the entry of a substantially similar order in that case, and not for any other purpose.

b. Recipients: Confidential Information may be disclosed only to the following:

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i. Counsel of record for any party to this action, including attorneys, paralegals, clerks, and other employees of counsels' firms who are assisting in this case;

ii. Consultants, investigators, experts, and their respective staffs who have been retained by a party to provide expert or opinion testimony or to assist in the preparation for trial or other proceedings in this case;

iii. Vendors engaged by any party to assist in copying, organizing, filing, translating, converting, storing, retrieving or computer coding of documents or data, or designing programs for handling documents or data, in connection with this case;

iv. Court reporters retained to record or transcribe deposition testimony taken in this case;

v. Any witness, although only to the extent relevant to his or her potential testimony in this case;

vi. Facilitators, mediators, arbitrators, and case evaluators;

vii. Persons shown on the face of a document to have authored or received it;

viii. Any person who the parties agree, in advance and in writing, may receive such discovery materials; and

ix. The Court, pursuant to the terms of Paragraph 6.

5. Notice to Recipients of Confidential Information: Any party or representative of a party who provides Confidential Information to a person identified in Section 4(B)(ii), (iii), (v), (vi), or (vii) shall:

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a. Notify that person that the Confidential Information is being disclosed to him or her under the terms of the Protective Order and may not be disclosed other than as authorized by its terms, and

b. Require that person to return promptly all Confidential Information that is disclosed to him or her.

6. Notice to Designating Party: In the event that any party wishes to either file with the Court or disclose Confidential Information in a manner not otherwise authorized by this Order, the filing party shall notify the designating party of the filing party's intent to file/disclose Confidential Information at least five (5) business days in advance of filing/disclosure in order to provide the designating party with the opportunity to apply to the Court for an order prohibiting or restricting the filing or disclosure or to move the Court to file the document under seal. Failure to do so within the time allotted amounts to waiver of the Confidential designation.

7. Attorney Eyes Only:

a. Documents containing third parties' personal contact information, such as personal cell phone numbers and personal email addresses, may be designated as Attorneys Eyes Only.

b. If Defendant does not undertake to represent and/or will not accept legal documents on behalf of Erin Gruley (*e.g.* to produce her for deposition or at trial), her personal contact information will likewise be designated as Attorneys Eyes Only. If Defendant does agree to produce Ms. Gruley, her contact information will not need to be exchanged as part of the discovery process.

c. Documents disclosed to the original custodians of the records or who already have access to the identity of the persons identified in such records may be shared with the

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original custodians or persons with access to the identity of persons identified in such records without violating the AEO status or designation by the producing party.

8. This Protective Order is without prejudice to the right of the parties to oppose the admissibility of any Confidential Information produced, such as on the grounds of lack of relevancy, privilege, or any other legal reason.

9. Within sixty days after termination of this case by final judicial decision or otherwise, upon request of the producing party, any party that has obtained Confidential Information shall either destroy that information or return it to the party from whom it was obtained. This requirement will not apply to Confidential Information that is contained in deposition transcripts or pleadings or that has been filed with the Court. This requirement shall not be construed to limit attorneys' obligations to maintain file copies of this case, so long as they are maintained pursuant to the terms of this Order, which shall survive closure of this matter.

10. This Protective Order does not preclude any party from seeking further relief or protective orders from the Court, or from seeking to modify this Protective Order, as may be appropriate under the Michigan Court Rules.

IT IS SO ORDERED:

Dated: March 19, 2026

Hon. James Robert Redford
Michigan Court of Claims

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Approved as to form and content:

/s/ David Fegley

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