

**IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE
FOR THE TWENTIETH JUDICIAL DISTRICT AT NASHVILLE**

STATE OF TENNESSEE, *ex rel.* JULIE
MIX McPEAK, solely in her official
capacity as Commission of Commerce &
Insurance,

Plaintiff,

v.

GALILEE MEMORIAL GARDENS,
JM&M SERVICES, INC., LAMBERT
MEMORIAL CO., aka LAMBERT
MEMORIALS, INC. LAMBERT & SONS,
INC. JEMAR LAMBERT, MARJE
LAMBERT, and MARY H. LAMBERT,
and ALL PERSONS ACTING IN
CONCERT WITH THEM,

Defendants.

Docket No. 14-0102-II

CLERK & MASTER
DAVIDSON CO. CHANCERY CT.

2017 OCT 18 PM 2:22

FILED

D.C. & M.

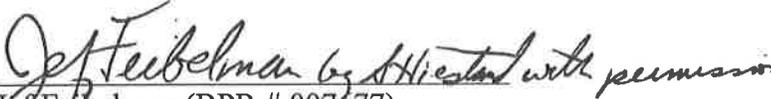
MOTION FOR ENTRY OF PROTECTIVE ORDER

Pursuant to the Agreed Order Lifting Stay for the Limited Purpose of Authorizing a Deposition of Robert E. Moore, Jr. with Conditions, the deposition of Robert E. Moore, Jr. of Receivership Management, Inc., the Special Deputy Receiver will be taken on November 7, 2017. The parties taking this deposition have asked that the Special Deputy Receiver have with him at the deposition certain requested documents. The Receiver and Special Deputy Receiver have no objection to these documents being included with the deposition of the Special Deputy Receiver on the condition that these documents are being produced by the Special Deputy Receiver subject to the attached Protective Order.

The requested Protective Order is necessary for two reasons: first, some of the documents

which have been requested to be produced by the Special Deputy Receiver contain sensitive personal information of those buried at Galilee Memorial Gardens or family members of those persons, including, social security numbers, causes of death, addresses, financial information and the like. Second, because of the very large volume of documents to be produced within a very short timeframe, it is possible that the Special Deputy Receiver may inadvertently produce documents for which there is a claim of privilege. Accordingly, the Receiver and Special Deputy Receiver move pursuant to Tenn. R. Civ. Pro. 26.03 for the entry of the attached Protective Order.

Respectfully submitted,


Jeff Feibelman (BPR # 007677)
BURCH, PORTER & JOHNSON, PLLC
130 North Court Avenue
Memphis, TN 38103
Telephone: 901-524-5000
Email: jfeibelman@bpjlaw.com


Sarah Ann Hiestand (BPR 014217)
Senior Counsel
OFFICE OF THE TENNESSEE ATTORNEY GENERAL
P.O. Box 20207
Nashville, TN 37202
Telephone: 615-741-6035
Email: sarah.hiestand@ag.tn.gov

NOTICE OF HEARING

This Motion is set/expected to be Heard at the Special Setting already calendared for this Case on Wednesday, November 1, 2017, at 9:30 a.m. in Part II of the Davidson County Chancery Court. Failure to File Opposition or Other Response to this Motion

Timely and Serving on Counsel to Movants may Cause this Court to Issue the Attached Protective Order on this Motion. As the Motion is to be heard by Special Setting, the equivalent 4-day's prior response deadline would be on Thursday, October 26, 2017 to allow opportunity to reply.

CERTIFICATE OF SERVICE

The undersigned hereby certified that a true and correct copy of the foregoing proposed Motion for Protective Order with attachment has been sent via U.S. Mail, postage prepaid, to the following on October 18, 2017, and via email as indicated or as may be supplemented.

Kathryn E. Barnett (BPR #15361)
MORGAN & MORGAN-NASHVILLE, PLLC
810 Broadway Suite 105
Nashville, TN 37203
Phone: (615) 490-0943
Via email to kbarnett@forthepeople.com

Howard B. Manis (BPR#16202)
Samuel Cherry
Danese K. Banks
Bill Wade
THE COCHRAN FIRM
One Commerce Square, Ste. 1700
Memphis, TN 38103
Phone: (901) 523-1222
Via email to dbanks@cochranfirm.com hmanis@cochranfirm.com

James E. Blount, IV (BPR#19301)
BLOUNT LAW FIRM, PLLC
1950 West Poplar Ave.
Collierville, TN 38017
Phone: (901) 529-9377
Via email to jimmy@blountfirm.com

James Andrews (BPR#15772)
942 Scenic Drive
Knoxville, TN 37919
Phone: (865) 660-3993
Via email to andrewsesq@icx.net

Families (Plaintiffs Wofford case-Shelby County)

Mary Lambert
Jemar Lambert

MarJe Lambert
3174 Ruby Cove
Memphis, TN 38111
Individual Defendants in Receivership case, pro se

Handel R. Durham, Jr.
Jonathan Mosley, Esq.
22 North Front Street, Ste. 760
Memphis, TN 38103
ph: 901.543.0866 fax: 901.543.0865
Via email to hdurham@durhamslaw.com
Counsel for Lamberts in Shelby County cases

David J. Cocke
Kandace Stewart
Evans Petree, PC
1000 Ridgeway Loop Road, Suite 200
Memphis, TN 38120
Via email to dcocke@evanspetree.com ; kstewart@evanspetree.com

R. Scott McCullough
Richard Sorin
Marc A. Sorin
McNabb, Bragorgos, Burgess & Sorin, PLLC
81 Monroe, Sixth Floor
Memphis, TN 38103
(901) 624-0640
Via email to RSorin@mbbslaw.com; smccullough@mbbslaw.com

John R. Branson
Jacob A. Dickerson
Austin K. Purvis
Baker, Donelson, Bearman, Caldwell & Berkowitz
First Tennessee Building
165 Madison Avenue, Suite 2000
Memphis, TN 38103
(901) 526-2000
Via email to jbranson@bakerdonelson.com

Dawn Davis Carson
Hal S. Spragins
Hickman, Goza & Spragins
PO Box 16340
Memphis, TN 38103
Via email to dcarson@hickmanlaw.com

Robert A. Talley
Shuttleworth Williams
6077 Primacy Parkway, Suite 200
Memphis, TN 38199
Tel: (901) 526-7399; Fax: (901) 526-5056
Via email to rtalley@shuttleworthwilliams.com

R. Scott Vincent
Steve Snyder
Thomas Cassidy
5350 Poplar Avenue, Ste. 800
Memphis, TN 38119
Via email to scott.vincent@mgclaw.com

Al McLean
Kevin Bernstein
Spicer Rudstrom
119 South Main, Ste. 700
Memphis, TN 38103
Via email to amclean@spicerfirm.com

Jason Lee
611 Commerce Street, Ste. 2603
Nashville, TN 37202 – 3890
Via email to jlee@burrowlee.com

Garrett Estep
Farris Bobango
999 South Shady Grove Road, Ste. 500
Memphis, TN 38120
Via email to gestep@farris-law.com

Collective Attorneys for Funeral Home Movants

David A. Siegel
Russell D. Marlin
Jason J. Yasinsky
Nahon, Saharovich & Trotz, PLC
488 South Mendenhall
Memphis, TN 38117
Via email to jyasinsky@nstlaw.com
Counsel for certain other Plaintiffs in Shelby County cases

Attorneys for Anderson Plaintiffs

Robert E. Moore, Jr.
Receivership Management, Inc.
Special Deputy Receiver
Galilee Memorial Gardens
1101 Kermit Drive, Suite 735
Nashville, TN 37217

Via email to rmoore@receivermgmt.com



SARAH A. HIESTAND

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FOR THE TWENTIETH JUDICIAL DISTRICT AT NASHVILLE**

STATE OF TENNESSEE, *ex rel.* JULIE
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LAMBERT, and MARY H. LAMBERT,
and ALL PERSONS ACTING IN
CONCERT WITH THEM

Defendants

PROTECTIVE ORDER

Pursuant to this Court's Agreed Order Lifting Stay For The Limited Purpose of Authorizing a Deposition of Robert E. Moore, Jr. With Conditions, the deposition of the Special Deputy Receiver, Robert E. Moore, Jr., will be taken on November 7, 2017. The Receiver and Special Deputy Receiver have filed a Motion seeking a Protective Order which would govern the production of certain documents by the Special Deputy Receiver related to his deposition.

DEFINITIONS

1. "CONFIDENTIAL INFORMATION," as used in this Protective Order, shall mean documents produced by the Special Deputy Receiver that are reasonably considered to be

*(Proposed) Attachment
to Motion*

confidential and protected by the legitimate privacy interests. Use of Confidential Information during this proceeding or any other proceeding, or otherwise, shall be governed by this Protective Order.

2. “CONFIDENTIAL” Information shall mean such Information reasonably considered to contain personal non-public information such as Social Security numbers or “cause of death” or other medical information.

EFFECT OF DESIGNATION AS CONFIDENTIAL

3 Confidential Information received through the production of documents related to the deposition of the Special Deputy Receiver may be used or disclosed by any party in any proceeding, counsel for any such party, expert witness, consultant, or their employees, only for proper purposes in any such proceeding and not otherwise.

4. Counsel for each party who obtains information designated as “Confidential” under this Order shall not disclose or permit disclosure of this information to any person or entity other than the following: (i) attorneys of the firm(s) of record for the parties; (ii) office personnel employed by the firm(s) of record for the parties to the extent necessary to assist in the litigation of this case; (iii) expert witnesses and consultants who may be used in the litigation of this case and who agree in writing to comply with the provisions of this Order; (iv) the parties or their employees, officers and/or directors involved in the defense and/or prosecution of this matter, (v) non-party witnesses who agree in writing to comply with the provisions of this Order; (vi) the Court and its personnel; and (vii) court reporters and videographers engaged for transcription and recording of depositions or trial in this case. If information designated as “Confidential” under this Order is filed in any Court, it shall either be filed under seal, or such material shall be redacted to remove the Confidential portions of such information prior to filing.

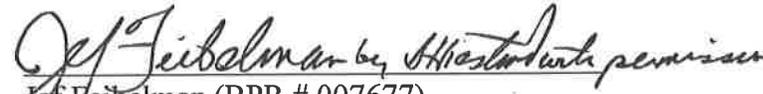
5. The parties recognize that some documents and electronically stored information (“ESI”) that may be produced in this litigation may inadvertently contain information not subject to discovery, including (i) attorney-client privileged communications and other information protected as “privileged” under applicable law (“Privileged Material”); and (ii) attorney work-product material prepared or compiled in anticipation of litigation (“Work-Product Material”). The parties agree that the inadvertent disclosure of any document or ESI which is subject to a legitimate claim that the document or ESI should have been withheld from disclosure as Work-Product Material or Privileged Material shall not waive any privilege or other applicable protective doctrine for that document or ESI, nor for the subject matter of the inadvertently disclosed statement or ESI, if the party which made the production, upon becoming aware of the disclosure, promptly requests its return and takes reasonable precautions to avoid such inadvertent disclosure. Unless the party in receipt of the Privileged Material or Work-Product Material disputes a claim pursuant to this paragraph, that party shall promptly return any documents which the producing party deems to contain inadvertently disclosed material and requests in writing be returned, including all copies thereof. In the event that the receiving party disputes, in writing, the producing party’s claim as to the protected nature of the inadvertently disclosed material, a single set of copies may be sequestered and retained by and under the control of the receiving party’s attorney to be used solely for the purpose of resolving the dispute, and shall remain so sequestered until the dispute is resolved by the parties or by the Court.

6. The Court’s Agreed Order Lifting Stay For The Limited Purpose of Authorizing a Deposition of Robert E. Moore, Jr. With Conditions and all other Orders of this Court in this matter are incorporated herein by reference.

IT IS SO ORDERED, this _____ day of _____, 2017.

CHANCELLOR

AGREED AS TO FORM AND SUBSTANCE:


Jeff Feibelman (BPR # 007677)
BURCH, PORTER & JOHNSON, PLLC
130 North Court Avenue
Memphis, TN 38103
Telephone: 901-524-5000
Email: jfeibelman@bpilaw.com


Sarah Ann Hiestand (BPR 014217)
Senior Counsel
OFFICE OF THE TENNESSEE ATTORNEY GENERAL
P.O. Box 20207
Nashville, TN 37202
Telephone: 615-741-6035; fax 615-532-8223
Email: sarah.hiestand@ag.tn.gov

Attorneys for the Receiver and Special Deputy Receiver

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The undersigned hereby certified that a true and correct copy of the foregoing proposed Protective Order with Motion has been sent via U.S. Mail, postage prepaid, to the following on October 18, 2017, and via email as indicated or as may be supplemented.

Kathryn E. Barnett (BPR #15361)
MORGAN & MORGAN-NASHVILLE, PLLC
810 Broadway Suite 105

Nashville, TN 37203
Phone: (615) 490-0943
Via email to kbarnett@forthepeople.com

Howard B. Manis (BPR#16202)
Samuel Cherry
Danese K. Banks
Bill Wade
THE COCHRAN FIRM
One Commerce Square, Ste. 1700
Memphis, TN 38103
Phone: (901) 523-1222
Via email to dbanks@cochranfirm.com hmanis@cochranfirm.com

James E. Blount, IV (BPR#19301)
BLOUNT LAW FIRM, PLLC
1950 West Poplar Ave.
Collierville, TN 38017
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942 Scenic Drive
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Families (Plaintiffs-Wofford case)

Mary Lambert
Jemar Lambert
MarJe Lambert
3174 Ruby Cove
Memphis, TN 38111
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Handel R. Durham, Jr.
Jonathan Mosley, Esq.
22 North Front Street, Ste. 760
Memphis, TN 38103
ph: 901.543.0866 fax: 901.543.0865
Via email to hdurham@durhamslaw.com
Counsel for Lamberts in Shelby County cases

David J. Coöke
Kandace Stewart
Evans Petree, PC
1000 Ridgeway Loop Road, Suite 200
Memphis, TN 38120
Via email to dcoöke@evanspetree.com ; kstewart@evanspetree.com

R. Scott McCullough
Richard Sorin
Marc A. Sorin
McNabb, Bragorgos, Burgess & Sorin, PLLC
81 Monroe, Sixth Floor
Memphis, TN 38103
(901) 624-0640
Via email to RSorin@mbbslaw.com; smccullough@mbbslaw.com

John R. Branson
Jacob A. Dickerson
Austin K. Purvis
Baker, Donelson, Bearman, Caldwell & Berkowitz
First Tennessee Building
165 Madison Avenue, Suite 2000
Memphis, TN 38103
(901) 526-2000
Via email to jbranson@bakerdonelson.com

Dawn Davis Carson
Hal S. Spragins
Hickman, Goza & Spragins
PO Box 16340
Memphis, TN 38103
Via email to dcarson@hickmanlaw.com

Robert A. Talley
Shuttleworth Williams
6077 Primacy Parkway, Suite 200
Memphis, TN 38199
Tel: (901) 526-7399; Fax: (901) 526-5056
Via email to rtalley@shuttleworthwilliams.com

R. Scott Vincent
Steve Snyder
Thomas Cassidy
5350 Poplar Avenue, Ste. 800
Memphis, TN 38119
Via email to scott.vincent@mgclaw.com

Al McLean
Kevin Bernstein
Spicer Rudstrom
119 South Main, Ste. 700
Memphis, TN 38103
Via email to amclean@spicerfirm.com

Jason Lee
611 Commerce Street, Ste. 2603
Nashville, TN 37202 – 3890
Via email to jlee@burrowlee.com

Garrett Estep
Farris Bobango
999 South Shady Grove Road, Ste. 500
Memphis, TN 38120
Via email to gstep@farris-law.com

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Nahon, Saharovich & Trotz, PLC
488 South Mendenhall
Memphis, TN 38117
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1101 Kermit Drive, Suite 735
Nashville, TN 37217



SARAH A. HIESTAND

EXHIBIT A

AGREEMENT TO BE BOUND BY PROTECTIVE ORDER

By my signature below, I acknowledge that I have read the foregoing Protective Order and that I agree to be bound by its terms, specifically including but not limited to the terms concerning the Court's exclusive jurisdiction over disputes concerning compliance with the Order, and I hereby consent to such jurisdiction for the limited purpose of resolving any such dispute.

Printed Name: _____

Signature: _____

Date: _____