

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

CHARLES MULLINS, JR.

PLAINTIFF

v.

1:05CV00073-WRW

CITY OF SALEM, ARKANSAS, ET AL.

DEFENDANTS

AGREED PROTECTIVE ORDER

Plaintiff has requested discovery of records containing sensitive personnel information. In order to permit Plaintiff adequate access to the records necessary to completely present this case, and, at the same time to address privacy concerns, it is hereby ORDERED, ADJUDGED and DECREED as follows:

1. Counsel for Separate Defendants has agreed to produce a complete copy of the City of Salem's personnel file upon Charles Bost;
2. The documents will be considered confidential;
3. All confidential records or other information provided will be used for the purpose of this litigation, and none of the confidential material may be used for any other purpose. Moreover, neither Plaintiff nor his counsel may use directly or indirectly the confidential records, documents, or other information made available under this Order in any other administrative complaint, proceeding, or civil action;
4. All confidential records, documents, tapes, or other information provided hereunder will be retained by Plaintiff's counsel including their paralegal, secretarial staff, and other staff members, during this litigation. Plaintiff's counsel may also provide copies of the confidential

records, documents or other information to any expert witness[es] retained by the Plaintiff or persons frequently employed by such expert[s] whose review of the material is necessary for the Plaintiff's prosecution in this case;

5. If confidential documents or records are used during depositions, the depositions will be treated as confidential in accordance with this Order.

6. Any document, information or deposition designated as confidential under this Order will, when filed with the Court, be clearly marked "confidential", sealed, placed in separate, secure storage by the Clerk, and opened only by authorized Court personnel.

7. Plaintiff, his counsel, its staff, and the retained expert witness/witnesses will not in any manner, directly or indirectly, transfer confidential records, documents or other information provided or copies thereof, or communicate, orally or in writing, any of the data contained in the documents to any person;

8. Plaintiff's counsel, promptly upon completion of this litigation, or before if at such time they have no further use of the confidential information, whichever occurs first, will return to the Separate Defendants all materials produced, and all copies and extracts of data from such materials;

9. This Protective Order will govern all pre-trial proceedings, but will be subject to modification either before, during or after the trial on the merits, upon application of any of the parties to this lawsuit and for good cause shown.

10. The provisions of this Order will not affect the admissibility of evidence at trial or any preliminary evidentiary proceeding in open court, except as directed by separate Order of this Court.

11. This Order is without prejudice to the rights of any party to make objections to the discovery as permitted by the Federal Rules of Civil Procedure, or by any statute or other authority.

IT IS SO ORDERED 29th day of March, 2007.

/s/Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE

Approved by:

/s/Michael Mosley
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