

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

FREDERICK LEE as ADMINISTRATOR	*	
OF THE ESTATE OF TERRY LEE,	*	
DECEASED,	*	
	*	
Plaintiff,	*	
vs.	*	No. 2:10cv0097 SWW
	*	
	*	
CAPTAIN CARL E. VANN, SR.;	*	
SERGEANT MIGUEL B. CASAREZ;	*	
OFFICER TUNDRY R. WALLACE; and	*	
SERGEANT MARLENE KALB,	*	
	*	
Defendants.	*	

AGREED PROTECTIVE ORDER

Plaintiff has requested discovery of records containing sensitive personnel information. Defendants, in turn, move for entry of an Agreed Protective Order [doc.#11]. The Court grants Defendants’ motion. Accordingly, in order to permit Plaintiff adequate access to the records necessary to completely present this case herein, and, at the same time to address privacy concerns, it is hereby ORDERED, ADJUDGED and DECREED as follows:

1. Counsel for Defendant has agreed to produce a complete copy of the City of Helena-West Helena’s personnel file upon Tundry Wallace, Marlene Kalb, Ben Casarez and Carl Vann;
2. The documents contained in the personnel files, including but not limited to the medical and psychological information contained therein, shall be considered confidential;
3. All confidential records or other information provided hereunder shall be used for the purpose of this litigation and none of the confidential material may be used for any other purpose whatsoever. Moreover, neither Plaintiff nor his counsel may utilize directly or indirectly the confidential records, documents, or other information made available pursuant to this Order in

any other administrative complaint, proceeding, or civil action;

4. All confidential records, documents, tapes, or other information provided hereunder shall be retained in the custody of the Plaintiff's counsel including their paralegal, secretarial staff, and/or other staff members, during the pendency of this litigation. Plaintiff's counsel may also provide copies of such 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 litigation;

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

6. Any document, information or deposition designated as confidential under this Order shall, 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, Plaintiff's counsel and their staff and the retained expert witness/witnesses shall not in any manner, directly or indirectly, transfer confidential records, documents or other information provided hereunder or copies thereof, or communicate, orally or in writing, any of the data contained in said material 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 shall first occur, shall return to the Defendants all materials produced, and all copies and extracts of data from such materials;

9. This Protective Order shall govern all pre-trial proceedings, but shall 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 shall 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 this 12<sup>th</sup> day of January 2011.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Michael Mosley  
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