

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

NELSON DESIGN GROUP, LLC

PLAINTIFF

v.

Case No. 3:07cv00177 BSM

**RICHARD PUCKETT; BARRY PHILLIPS;
STATE DEVELOPMENT, LLC; BRENT PHILLIPS,
AND CENTRAL STATES DEVELOPMENT, INC.**

DEFENDANTS

AGREED PROTECTIVE ORDER

The parties have agreed to the following protective order concerning plaintiff Nelson Design Group's request for production of certain documents at the post-trial deposition of Barry Phillips of State Development, LLC on February 19, 2010. Accordingly, it is so ORDERED:

1. Defendant State Development, LLC has agreed to produce to Plaintiff (a) 2007 and 2008 State Development, LLC partnership income tax returns; (b) General Ledger Detail Reports ending December 31, 2007; December 31, 2008; and December 31, 2009; (c) Regions Bank monthly statements for the account of State Development, LLC with closing dates of January 31, 2007; February 28, 2007; March 30, 2007; April 30, 2007; May 31, 2007; June 29, 2007; July 31, 2007; August 31, 2007; September 28, 2007; October 31, 2007; November 30, 2007; and December 6, 2007; (d) Regions Bank summary of account of State Development, LLC with dates of December 7, 2007 through December 31, 2007; January 1, 2008 through January 31, 2008; February 1, 2008 through February 29, 2008; March 1, 2008 through March 31, 2008; April 1, 2008 through April 30, 2008; May 1, 2008 through May 30, 2008; May 31, 2008 through June 30, 2008; July 1, 2008 through July 31,

2008; August 1, 2008 through August 29, 2008; August 30, 2008 through September 30, 2008; October 1, 2008 through December 31, 2008; January 1, 2009 through January 30, 2009; (e) a State Development, LLC voided check; (f) accounting statements with list of assets and liabilities dated March 28, 2008; February 21, 2009; and February 1, 2010; (g) Promissory Notes dated June 29, 2007; and October 12, 2007; (h) Settlement Statement on Lot 32, Block F, Rossland Hills, Phase 3, Craighead County, Arkansas, subject to the assurance by Plaintiff that the Confidential Information shall not be publicized or disclosed in any fashion other than in the context of development of this action through witnesses or experts, and that such disclosure shall be made in a manner that the Confidential Information does not become a matter of public record, unless Plaintiff is granted authorization by this Court to allow the information to become a matter of public record for the purpose of using such information in the pursuit of this litigation.

2. Plaintiff and Plaintiff's counsel shall utilize the Confidential Information for purposes of this litigation only, and shall not publicize or disclose such files or information in any fashion, other than in the context of development of this action through witnesses or experts, and such disclosure shall be made in a manner that the Confidential Information does not become a matter of public record, unless Plaintiff is granted authorization by this Court to allow the information to become a matter of public record for the purpose of using such information in the pursuit of this litigation.

3. This Order does not constitute a finding that Defendant State Development, LLC has waived any objections to the authenticity, confidentiality, relevance or other

objections to admissibility of the documentation; nor does it constitute a finding that Defendant State Development, LLC has waived any objections to the production of the same or similar information which may be sought in other litigation or other proceedings.

4. To the extent that the Confidential Information provided by State Development, LLC is filed with or referenced in any motion or other matter that would result in disclosure of any of the Confidential Information, Plaintiff is directed to file such documents under seal.

5. Plaintiff shall be required at the conclusion of this action, including any appeal, to return to State Development, LLC's counsel the documents which constitute the Confidential Information designated herein and all copies of the documents made by or on behalf of Plaintiff or Plaintiff's counsel within sixty (60) days of the conclusion of this action.

6. The provisions of this Order shall extend to any discovery that may arise in the future in this matter between the parties in which additional Confidential Information, or other information which the parties agree shall be subject to this Protective Order, is provided by either party. Should a party contest the applicability of this Order to such possible future discovery, the party shall be entitled to file a Motion with the Court for determination of the issue.

IT IS SO ORDERED this 20th day of April, 2010.


UNITED STATES DISTRICT JUDGE

APPROVED BY:

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