

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

TRACY STONER

PLAINTIFF

v.

Case No. 3:10-CV-218 BSM

**ARKANSAS DEPARTMENT OF
CORRECTION, *et al.***

DEFENDANTS

PROTECTIVE ORDER

The Department of Correction's unopposed motion for a protective order, *Document No. 18*, is granted. The parties stipulate and the Court orders:

1. Plaintiff Tracy Stoner has requested information and documents in the present case from the Arkansas Department of Correction that ADC considers confidential. "Confidential Information" shall be used only for the purpose of this litigation and for no other purpose. It shall not be given, shown, made available, or communicated in any way to anyone except "Qualified Persons."

2. "Confidential Information" shall include any documents containing confidential personal information (such as social security numbers, contact information, medical information, dates of birth), personnel files, and any other documents deemed and declared by the ADC to contain Confidential Information.

3. Except with the prior written consent of the ADC, or pursuant to further order of this Court on motion with notice to defendant ADC, no Confidential Information may be disclosed to any person other than "Qualified Persons" who shall be defined to include the Plaintiff, the Defendant Corizon, any future

counsel of record for the Plaintiff or Corizon in this action, as well as secretaries, para-professional assistants, experts, and other employees of the parties who would be actively engaged in assisting counsel in connection with this action, court personnel, witnesses at trial or deposition, and the jury.

4. Upon delivery of Confidential Information to the Plaintiff's counsel or upon making Confidential Information available for inspection and review, ADC (or ADC's counsel) shall execute and submit to the counsel for Stoner and Corizon a document entitled "Inventory of Confidential Documents Delivered" in the form attached as Exhibit 1. Documents containing Confidential Information shall be identified by document number.

5. This Order shall continue to be binding through and after the conclusion of this litigation. Three years following the conclusion of this action, including appeals:

(a) Plaintiff and Corizon, as well as their counsel, shall destroy all Confidential Information, including correspondence, memoranda, notes, or any other documents embodying such information in whole or in part.

(b) Counsel for Plaintiff and Corizon, and all Qualified Persons are enjoined from disclosing in any manner any Confidential Information obtained during the course of this proceeding.

6. Nothing in this Order shall prevent any party from seeking modification of this Order.

7. If Confidential Information is included in any papers to be filed in court, the papers shall be redacted to the extent necessary to preserve confidentiality. For instance, a personnel document that only contains confidential information such as a birth date or social security number must be redacted to exclude that information, and then used. Or, if the identity of the individual needed to be protected, the document could be redacted to exclude the name of that individual. *See* Fed. R. Civ. P. 5.2 and Advisory Committee Notes. If redaction is impractical, or would remove information necessary to the Court’s decision on the relevant motion or paper, and only then, the motion or paper should be labeled “confidential,” and filed under seal and unredacted. Only the Court, Court personnel, and counsel for the parties shall have access to the sealed record in this proceeding until further Order of this Court.

SO ORDERED.



HON. BRIAN S. MILLER
United States District Judge

/s/ Lucien Gillham

Counsel for plaintiff Tracy Stoner

/s/ Shellie L. Goetz

Counsel for defendant Correctional
Medical Services (now Corizon)

/s/ Lori Freno

Counsel for defendants Arkansas
Department of Correction and John
Maples

