

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

GREGORY ROSE

PLAINTIFF

v.

3:13CV00253-JLH-JJV

MISSISSIPPI COUNTY,
ARKANSAS; *et al.*

DEFENDANTS

**ORDER ON MOTION TO COMPEL
AND PROTECTIVE ORDER**

Mr. Rose, through his counsel, seeks court intervention to compel the defense to provide the names and contact information for any witnesses to the alleged excessive force incident and the Law Enforcement Personality Assessment performed on Mr. Cummings. After consultation with counsel for both sides, I now conclude:

1. The defense shall make best efforts to provide the names and contact information, if known, of any witnesses of the November 15, 2013, events as alleged in the Complaint. The defense shall provide this information by 5 p.m., Tuesday, January 5, 2016.

2. The defense shall also provide the Law Enforcement Personality Assessment forthwith, subject to the following Protective Order.

The assessment is confidential and may be disclosed only to counsel, Mr. Glenn Lovett, Jr., Esq. At this time, the assessment will not be disclosed to or otherwise made available to any other person, including Plaintiff, Gregory Rose. Should the trial judge deem the assessment to be admissible, Plaintiff's counsel shall seek guidance from the Court as to disclosure to Mr. Rose.

Counsel may disclose the assessment only to consulting experts who will be provided with a copy of this Order and who will make no further disclosures by any means of either the records themselves or the substance of the records absent an Order from this Court, and who will

acknowledge, in writing, receiving this Order and likewise be bound by the provisions of this Protective Order.

No additional copies of these records will be made or maintained except for copies made for the use of consulting experts which copies will be marked “CONFIDENTIAL PURSUANT TO COURT ORDER” and which will be destroyed or returned to counsel for Defendant along with a certification of destruction or return upon the termination of this litigation.

The parties will, to the degree possible, avoid making any filing with the Court which would entail the potential disclosure of the assessment or the substance thereof. If these records, or any portion thereof, are made part of any filing with the Court either by way of motion, pleading or other filing, the records or portions thereof will be filed under seal and the filing party will file with the Court two copies of the motion or pleading, one of which will be solely for the Court and marked accordingly, and the other redacted to remove any references to the records or the contents thereof.

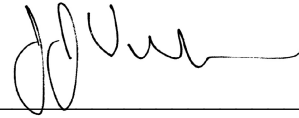
At the conclusion of this litigation either by way of settlement, verdict or other disposition, all copies of this assessment in the possession of counsel for Plaintiff or any consulting expert to whom the records were provided in accordance with this Order will either be destroyed or returned to counsel for Defendant along with a certification of destruction or return.

Any violation of this Order will be deemed contempt of court and subject the violator or violators to such sanctions as the Court may deem appropriate upon application for the imposition of sanctions.

These records will remain confidential pursuant to this Protective Order unless the Court orders, for good cause shown, the de-designation of any or all of the records as “Confidential.” If only partial de-designation is sought, the remaining entries or records as to which de-designation is not sought will remain confidential pursuant to this Protective Order. The party seeking de-

designation of any or all the records covered by this Protective Order will have the burden of demonstrating good cause as to why the records should not remain confidential pursuant to this Protective Order.

IT IS SO ORDERED this 30th day of December, 2015.

A handwritten signature in black ink, appearing to read 'Joe J. Volpe', written above a horizontal line.

JOE J. VOLPE
UNITED STATES MAGISTRATE JUDGE