

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

**KEYA TURNER**

**PLAINTIFF**

**V.**

**NO. 3:15CV00093 JLH**

**CITY OF WEST MEMPHIS**

**DEFENDANT**

**AGREED PROTECTIVE ORDER**

Plaintiff has requested discovery of records containing sensitive information. 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. Plaintiff has requested personnel files and records of the City of West Memphis.
2. 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, the parties and their counsel may not 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;
3. All confidential records, documents, tapes, or other information provided hereunder shall be retained in the custody of the parties' counsel (including counsel's staff) during the pendency of this litigation. Counsel may also provide copies of such confidential records, documents or other information to any expert witness[es] retained by the parties or

persons frequently employed by such expert[s] whose review of the material is necessary for the parties' prosecution in this litigation;

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

5. 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.

6. 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;

7. 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 respective parties all materials produced, and all copies and extracts of data from such materials, or destroy the materials and confirm destruction of same.

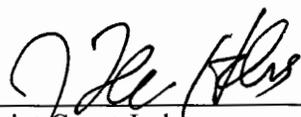
8. This Protective Order shall govern all pre-trial proceedings, but shall be subject to modification either before, during or after the trial on the merits, upon application of any of the parties to this lawsuit and for good cause shown.

9. 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. Additionally, the confidential information/documentation covered by this protective order which are not exempt from disclosure under the Arkansas Freedom of Information are not subject to this Order.

10. 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.

11. Notwithstanding paragraphs 1-10 above, the parties' respective counsel may retain one complete set of all documents containing confidential information or other information or documents covered by this Order.

IT IS SO ORDERED THIS 19<sup>th</sup> DAY OF October, 2015.

  
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U.S. District Court Judge

Order Prepared by:

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AND

Approved by:

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