

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

KAREN KINSLOW

PLAINTIFF

VS.

NO. 4:08-CV-04139-JMM

STATE FARM FIRE AND CASUALTY COMPANY

DEFENDANT

**AGREED PROTECTIVE ORDER REGARDING CONFIDENTIAL
INFORMATION BETWEEN PLAINTIFF AND STATE FARM
MUTUAL AUTOMOBILE INSURANCE COMPANY**

Plaintiff has sought and will seek from Defendant State Farm Fire and Casualty Company ("State Farm") the discovery of certain information which State Farm considers to be trade secrets and/or confidential or proprietary information. To expedite the flow of discovery material, facilitate the prompt resolution of disputes over confidentiality, adequately protect material entitled to be kept confidential, and ensure that protection is afforded material so entitled, the parties believe a protective order is necessary. Accordingly, pursuant to the Court's authority, and the parties having agreed, as indicated by the signature of their counsel below,

IT IS HEREBY ORDERED THAT:

1. This Order shall govern the handling, disclosure, and disposition of certain documents and information, depositions, interrogatory answers, and admission responses in this action (hereinafter referred to as the "Discovery Material").

2. State Farm may designate by written notice, either incorporated in the matter disclosed or separately, any Discovery Material as "Confidential" if it believes that such material contains or reflects its trade secrets and/or other confidential or proprietary information. All documents and information as they are reviewed for inspection or copying by plaintiff and other parties are subject to confidentiality under the terms of this Order, and the designation and marking

of any documents and information as "Confidential" may be done by State Farm as part of the photocopying process. State Farm may designate information disclosed in depositions as "Confidential" by indicating on the record at the deposition that the testimony is "Confidential" and is subject to the provisions of this Order. State Farm may also designate information disclosed in depositions as "Confidential" by notifying plaintiff and other parties in writing within thirty (30) days of receipt of the transcript of the specific pages and lines of the transcript which should be treated as "Confidential." All deposition transcripts shall be treated as "Confidential" from the time taken until thirty (30) days after receipt of the transcript.

3. Plaintiff shall have the right to object to State Farm's designation of any discovery material as "Confidential" if plaintiff believes that such material does not contain or reflect State Farm's trade secrets and/or other confidential or proprietary information. The burden shall then be placed on State Farm to prove that the materials are in fact "Confidential."

4. Discovery Material designated as "Confidential" by State Farm may be used by plaintiff only for purposes of preparing for and conducting pretrial and trial proceedings in this action. "Confidential" Discovery Material, and information derived therefrom, shall be shown only to plaintiff and plaintiff's counsel of record, and may be disclosed by such counsel only to the following persons:

- a. Counsel for plaintiff, employees or independent contractors of such counsel, and experts or consultants working with such counsel, as are required to assist in the preparation or conduct of this action; provided that, before being shown any "Confidential" Discovery Material, such persons shall be given a copy of this Order, and advised that they are bound by it.
- b. Persons whose depositions are being taken or who are witnesses at any hearing or

trial conducted by the Court in this action; provided that, before being shown any "Confidential" Discovery Material, such persons shall be given a copy of this Order, and advised that they are bound by it.

c. This Court or any other court before which this action is pending, including any court personnel, jurors, and all other persons lawfully present in the court proceeding.

5. Any person having access to "Confidential" Discovery Material shall be prohibited from disclosing any such information to any other person except as provided herein, and each such person shall take appropriate measures to safeguard the confidentiality of the "Confidential" Discovery Material to prevent the willful or inadvertent disclosure thereof and to assure that the provisions of this Order are accomplished.

6. Plaintiff shall not file any "Confidential" Discovery Material with the Court unless such filing is made under seal.

7. Upon conclusion of this action, all "Confidential" Discovery Material produced by State Farm and all copies thereof immediately shall be returned to State Farm. In addition, within forty-five (45) days of the conclusion of this action, an affidavit of compliance shall be provided to State Farm by counsel returning the "Confidential" Discovery Material swearing or affirming that all "Confidential" Discovery Material and all copies thereof from plaintiff's counsel and all of the persons identified in paragraph 4 above have been returned to State Farm. Counsel for plaintiff is responsible for compliance with this Order only by people retained by them or under their control.

8. Nothing in this Order shall prevent or prohibit State Farm from seeking additional protection as it deems necessary for protection of "Confidential" Discovery Material in this action.

9. This Order is without prejudice to State Farm's right to bring before the Court at any time other objections to the production of any Discovery Material.

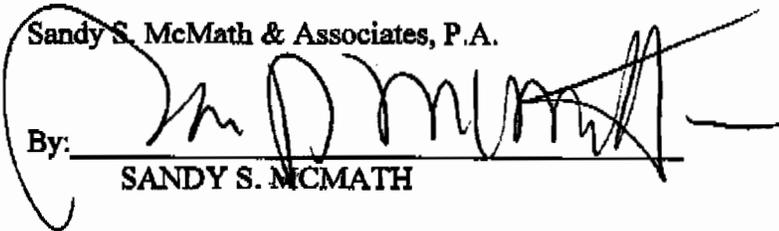
SIGNED this 7th day of August, 2009. at 1:28 PM
the minute after receipt of draft, had delivered

/s/ James M. Moody

JUDGE JAMES MOODY

APPROVED AS TO FORM AND CONTENT:

Sandy S. McMath & Associates, P.A.

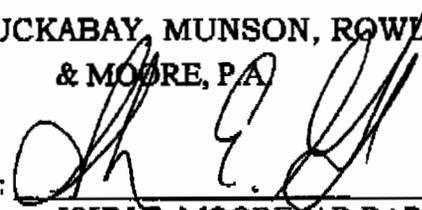
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