

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

JUL 28 2010

JAMES W. McCORMACK, CLERK
By: *D Jackson* DEP. CLERK

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

LINDA FULLER

PLAINTIFF

V.

CASE NO. 4:09CV0709JMM

DILLARD'S, INC.

DEFENDANT

PROTECTIVE ORDER PURSUANT TO STIPULATION AND AGREEMENT

On this, the 28 day of July, 2010, the Court reviewed the stipulation and agreement for a Protective Order, and makes the following Orders:

1. Confidential Information, as later defined herein, and obtained by the plaintiff from the Defendant in this action, shall be used only for the purpose of this litigation and for no other purpose whatsoever, and shall not be given, shown, made available or communicated in any way to anyone except Qualified Persons, as herein defined.

2. Confidential Information shall be deemed to include, without limitation:

(a) Those policies of the Company, documents containing confidential personal information, such as social security numbers, contact information, medical information, dates of birth, salary, and information and other matters now requested or hereinafter requested by the Plaintiff, from the Defendant relating to the operation and organization of the Defendant and such other information as may be deemed by this Court to be relevant or material herein.

(b) Any information concerning such as set forth in 2(a) herein above as maybe, from time to time, produced by either party herein and declared at the time of production to be "Confidential Information" and subject to this Order, such designation to be in writing and may be by letter of transmittal to the Plaintiff, or by designation on the document itself.

3. Except with the prior written consent of the Defendant, or pursuant to further Order of this Court on motion with notice to the Defendant, no Confidential Information may be disclosed to any person other than "Qualified Persons" who shall be defined to include the Plaintiff, any future counsel of record for the Plaintiff in this action, and secretaries, para-professional assistants, experts and other employees of such counsel who would be actively engaged in assisting counsel in connection with this action, court personnel, witnesses at trial or deposition, and the jury.

4. This Order, insofar as it restricts the communication in any way and use of Confidential Information, shall continue to be binding through and after the conclusion of this litigation. Three years following the conclusion of this action, including all appeals:

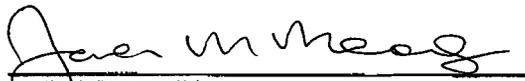
(a) Plaintiff and Plaintiff's counsel shall destroy all confidential information, including, correspondence, memoranda, notes or any other documents embodying such information, in whole or in part.

(b) Counsel and all Qualified Persons are enjoined from disclosing in any manner any Confidential Information obtained during the course of this proceeding. Severe sanctions will attach to any person who discloses such in violation of this provision.

5. Nothing in this Order shall prevent any party from seeking modification of this Order at any time as to specific matters designated "Confidential Information" to remove such from the application of this Order.

6. Documents that are entirely confidential may be required to be filed with the Court and the Clerk of this Court shall be filed under seal. Documents containing confidential information may be filed in a redacted form so that those portions of the document containing confidential information will not be visible to the public. 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.

IT IS HEREBY ORDERED.


United States District Judge

APPROVED AS TO FORM:



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