

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

**TELECOM DECISION MAKERS, INC**

**PLAINTIFF**

**v.**

**CASE NO. 4:09mc0004 BSM**

**ACCESS INTEGRATED NETWORKS, INC., and  
BIRCH COMMUNICATIONS, INC.**

**DEFENDANTS**

**In re: 3:08-CV-609-S  
Western District of Kentucky**

**PROTECTIVE ORDER**

Non-party Navigator Telecommunications, LLC (“Navigator”) and Telecom Decision Makers, Inc. (“TDM”), jointly move for a protective order in response to the July 16, 2010 order [Doc. No. 19] denying the third motion to quash subpoena [Doc. No. 15] filed on behalf of non-party Navigator and directing Navigator to produce the documents requested in the subpoena. [Doc. No. 22]. The motion is granted. The court finds and orders as follows:

1. Navigator is prepared to produce documents in compliance with the July 16, 2010 order [Doc. 19]. Navigator and TDM acknowledge that certain documents to be produced by Navigator contain confidential, proprietary and other information of a sensitive nature, and they agree that a protective order should be entered in this case prior to the production of confidential documents by Navigator.

2. A consent decree on confidentiality has been entered in the Kentucky litigation from which this miscellaneous proceeding derives. A copy of the consent decree on

confidentiality is attached hereto as Exhibit A and incorporated by reference.

3. The consent decree on confidentiality applies only to TDM and Birch Communications, Inc., the parties to the Kentucky litigation, but Navigator and TDM agree, as does this court, that its terms are sufficient to provide adequate protection for the documents to be produced by Navigator in response to TDM's subpoena.

4. The terms of the consent decree on confidentiality are hereby adopted and incorporated into this order and are to be applied to the documents to be produced by Navigator in this case, either in response to TDM's subpoena or otherwise.

5. This court shall retain jurisdiction over TDM and Navigator for the purpose of resolving disputes or enforcing this protective order

IT IS SO ORDERED this 23rd day of August, 2010.

  
UNITED STATES DISTRICT JUDGE