

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

B&B HARDWARE, INC.

PLAINTIFF

VS.

4:10CV00317-BRW

FASTENAL COMPANY

DEFENDANT

AGREED EXPERT DISCLOSURES ORDER

Plaintiff B&B Hardware, Inc. and defendant Fastenal Company, by and through counsel, having stipulated and agreed to the entry of an Expert Disclosures Order pursuant to the 2010 revisions to Rule 26(b)(4) of the Federal Rules of Civil Procedure, and the Court finding that good cause supports the entry of this Expert Disclosures Order,

IT IS HEREBY ORDERED, in the interest of ensuring an efficient and prompt resolution of this action, that:

1. The documents and other information, including the substance and content thereof, disclosed under Rule 26 of the Federal Rules of Civil Procedure or otherwise produced or disclosed by any party in discovery in this litigation shall not include (a) drafts of any expert reports or disclosures required under Rule 26(a)(2), regardless of the form in which the draft is recorded, or (b) communications between the party's attorney and any witness required to provide a report under Rule 26(a)(2)(B), regardless of the form of the communications.

2. Communications between the party's attorney and a witness identified in the above paragraph will be subject to discovery to the extent that the communications: (I) relate to compensation of the expert's study or testimony, (ii) identify facts or data that the party's

attorney provided and that the expert considered in forming the opinions to be expressed, or (iii) identify assumptions that the party's attorney provided and that the expert relied on in forming the opinions to be expressed.

DATED: January 19, 2011.

/s/Billy Roy Wilson
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

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