

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

**BRANDON WILSON and JANET  
WILSON, as Executrix of the  
Estate of Lyle Wilson**

**PLAINTIFFS**

v.

**CASE NO. 4:10-CV-1184 WRW**

**CITY OF MORRILTON, ARKANSAS; MAYOR  
BOBBY KIRBY, Individually and in His  
Official Capacity as Mayor of Morrilton, Arkansas;  
NORBERT GUNDERMAN, JR, Chief of Police,  
Individually and in His Official Capacity; JAMES  
CLINTON "CLINT" MURRAY, Individually and in  
His Official Capacity as a Morrilton Police Officer;  
DUSTIN LEVI CAUDELL, Individually and in His  
Official Capacity as a Morrilton Police Officer**

**DEFENDANTS**

**AGREED PROTECTIVE ORDER**

Plaintiffs have requested discovery of records containing sensitive personal information. In order to permit Plaintiffs 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. Plaintiffs have made discovery requests for copies of the personnel files upon Dustin Levi Caudell (*Personal information such as addresses and social security numbers will be redacted*). In addition, Plaintiffs have requested discipline reports regarding Dustin Levi Caudell. The parties have agreed that due to the private and sensitive nature of these documents, a Protective Order (hereinafter "the Order" or "this Order") should be entered before these documents are provided to Plaintiffs.

2. Any documents produced in response to discovery requests as provided in Paragraph 1 above shall be considered confidential;

3. 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 without a new request for the material. Moreover, neither Plaintiffs, Defendants, nor their counsel may 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 without a new request;

4. All confidential information or other provided hereunder (be it records, documents, tapes, or other) shall be retained in the custody of the Plaintiffs' or Defendants' counsel including their paralegal, secretarial staff, and/or other staff members, during the pendency of this litigation. Plaintiffs' and Defendants' counsel may also provide copies of such confidential records, documents or other information to any expert witness[es] retained by the Plaintiffs or Defendants or persons frequently employed by such expert[s] whose review of the material is necessary for the Plaintiffs' and Defendants' prosecution in this litigation;

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

6. Any document, information or deposition designated as confidential under this Order shall, when filed with the Court, must be clearly marked confidential, sealed, placed in separate, secure storage by the Clerk, and opened only by authorized Court personnel;

7. Plaintiffs, Defendants, their respective counsel and their staff and the retained expert witness/witnesses shall not in any manner, directly 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;

8. Plaintiffs' counsel, and Defendants' 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 Defendants and Plaintiffs all materials produced, and all copies and extracts of data from such materials;

9. This 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;

10. 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; and

11. This Order is without prejudice to the rights of any party to make objections to the discovery as permitted by the Arkansas Rules of Civil Procedure, or by any statute or other authority.

IT IS SO ORDERED THIS 13<sup>th</sup> DAY OF SEPTEMBER, 2011.

/s/Billy Roy Wilson  
UNITED STATES DISTRICT JUDGE

Approved:

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