

FEB 03 2012

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

JAMES W. McCORMACK, CLERK
By: _____
DEP CLERK

CHRISTOPHER ALLEN, ET AL.

PLAINTIFFS

V.

CASE NO. 4:10-CV-01514 SWW

PULASKI COUNTY

DEFENDANT

AGREED PROTECTIVE ORDER

At the suggestion of the Court, the parties find it desirable to enter into an Agreed Protective Order to protect the rights of the parties pertaining to contact by Defendant with certain individuals who will be dismissed from this case, employees who remain Plaintiffs in this case, and non-Plaintiff employees who may have information about this case. Therefore, the parties hereby agree and the Court adopts the following agreement as its order:

1. The Defendant, by and through its officials, employees, and attorneys, can discuss the details of this case with those employees who are not presently or previously Plaintiffs in this case. This agreement does not waive any objections Plaintiffs may have to the presentation of previously undisclosed witnesses at any trial of this matter.

2. With regard to Plaintiff-employees, the Defendant agrees that it will not discuss this case with the Plaintiff-employees outside the presence of the Plaintiffs' counsel. This does not preclude officials and employees of the Defendant from discussing work-related matters in the ordinary course of business with Plaintiff-employees, including matters related to performance deficiencies, violations of standards of conduct, work rules, and policies of the detention facility, and other administrative matters, including disciplinary matters against a Plaintiff-employee.

3. Plaintiffs shall provide verifications to interrogatory responses on the following thirteen (13) individuals or dismiss them from the case within seven (7) days of entry of this order:

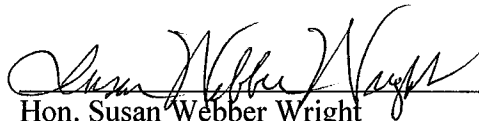
Matthew Arivette
Jason Bangs
Michael Herron
Loren Jackson
Richard Jackson
Evelyn Johnson
Deborah Jean Kearney
Glenda Moore
Freda Pearce
Thomas Scruggs
Pamela Smith
Tyrus Townsend
David Vance

The parties agree to work together to schedule and conduct depositions of any or all of the above-named individuals. Defendant shall not communicate with these individuals regarding the claims that are the subject matter of this case other than through deposition. Those depositions shall be conducted within ninety (90) days of the date of this Order. The discovery deadline in this case has passed, and discovery is re-opened only for the depositions of these thirteen (13) individuals.

4. The Defendant is aware of the Fair Labor Standards Act's (FLSA) provisions regarding retaliation against any employee bringing an action against the Defendant for alleged violations of the FLSA. The Defendant denies that any threatening, harassing, intimidating, or otherwise retaliating against Plaintiff's due to their involvement in this lawsuit, but nonetheless agrees that it will not threaten, harass, intimidate, or otherwise retaliate against any current or former Plaintiffs in this matter. The Defendant will instruct its agents and employees to refrain from discussing this lawsuit in any manner with, or in the presence of, any former or named

Plaintiff. The Defendant will, by copy of this order, inform its agents and employees of its agreement in this matter. As indicated in Paragraph 2 of this agreement, the Defendant is not precluded from taking bona fide disciplinary action against a Plaintiff based upon evidence supporting disciplinary action.

IT IS SO ORDERED this 3rd day of February, 2012.



Hon. Susan Webber Wright
United States District Judge

Agreed:

/s/ Amber R. Schubert
Holleman & Associates, P.A.
Attorneys for Plaintiffs

/s/ Amanda Mankin-Mitchell
Chief Deputy Pulaski County Attorney
Pulaski County Attorney's Office
Attorneys for Defendant