

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

WILLIAM DON SMITH,

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Plaintiff,

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vs.

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No. 4:11-cv-00079-SWW

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TIMOTHY WALLEY and  
STATE FARM FIRE AND CASUALTY  
COMPANY,

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Defendants.

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**PROTECTIVE ORDER REGARDING CONFIDENTIAL INFORMATION**

Plaintiff, William Don Smith, has sought and will seek from Defendant State Farm Fire & Casualty Company (hereinafter State Farm) the discovery of certain information which State Farm considers to be trade secrets and/or confidential or proprietary information. Pursuant to the Court's authority under Rule 26(c) of the Federal Rules of Civil Procedure:

**IT IS HEREBY ORDERED THAT:**

1. This Order shall govern the handling, disclosure and disposition of all documents and information, depositions, interrogatory answers and admissions responses in this action (hereinafter referred to as the "Discovery Material").

2. State Farm may designate by written notice, either incorporated in the matter disclosed or separately, any Discovery Material as "Confidential" if it believes that such material contains or reflects its trade secrets and/or other confidential or proprietary information. All documents and information as they are reviewed for inspection or copying by Plaintiff are subject to confidentiality under the terms of this Order, and the designation and marking of any documents and information as "Confidential" may be done by State Farm as part of the

photocopying process. State Farm may designate information disclosed in depositions as “Confidential” by indicating on the record at the deposition that the testimony is “Confidential” and is subject to the provisions of this Order. State Farm may also designate information disclosed in depositions as “Confidential” by notifying Plaintiff in writing within ninety (90) days of receipt of the transcript of the specific pages and lines of the transcript which should be treated as “Confidential.” All deposition transcripts shall be treated as “Confidential” from the time taken until ninety (90) days after receipt of the transcript.

3. Discovery Material designated as “Confidential” by State Farm may be used by Plaintiff only for purposes of preparing for and conducting pretrial and trial proceedings in this action. “Confidential” Discovery Material, and information derived therefrom, shall be shown only to Plaintiff and Plaintiff’s counsel of record in this action and may be disclosed by such counsel only to the following persons:

a. Counsel for Plaintiff, employees or independent contractors of such counsel, and experts or consultants working with such counsel, as are required to assist in the preparation or conduct of this action; provided that, before being shown any “Confidential” Discovery Material, such persons shall be given a copy of this Order, and advised that they are bound by it.

b. Officers, employees, agents or representatives of Plaintiff who are actually engaged in preparing for or conducting pretrial or trial proceedings in this action, but only to the extent necessary to do so; provided that, before being shown any “Confidential” Discovery Material, such persons shall be given a copy of this Order, and advised that they are bound by it.

c. Persons whose depositions are being taken or who are witnesses at any hearing or trial conducted by the Court in this action; provided that, before being shown any

“Confidential” Discovery Material, such persons shall be given a copy of this Order, and advised that they are bound by it.

d. This Court or any other court before which this action is pending, including any Court personnel, jurors, and all other persons lawfully present in the Court proceeding.

4. Any person having access to “Confidential” Discovery Material shall be prohibited from disclosing any such information to any other person except as provided herein, and each such person shall take appropriate measures to safeguard the confidentiality of the “Confidential” Discovery Material to prevent the willful or inadvertent disclosure thereof and to assure that the provisions of this Order are accomplished.

5. Plaintiff shall not file any “Confidential” Discovery Material with the Court without first giving ten (10) business days’ actual notice to State Farm of Plaintiffs intent to do so and an itemization (by Bates number, deposition transcript page, deposition exhibit number, or other identification) of the “Confidential” Discovery Material proposed to be filed. If State Farm moves for a permanent or temporary sealing order under Federal Rule of Civil Procedure 26(c) within such ten (10) day period, then Plaintiff may not file any such “Confidential” Discovery Material with the Court until the Court disposes of such sealing motion unless Plaintiff’s rights will be prejudiced by the delay, in which case Plaintiff may file such “Confidential” Discovery Material under seal, per the terms of this Order, for presentation to the Court pending resolution of the motion for permanent or temporary sealing order.

**OR**

Any designation of confidentiality by State Farm under this Order shall not restrict the use of “Confidential” Discovery Material at trial or in connection with motions, hearings, or

other communications with the Court in this action; provided that, “Confidential” Discovery Material or any pleading, motion or other paper containing or revealing “Confidential” Discovery Material shall be treated as confidential and filed by Plaintiff under seal.

6. State Farm is authorized to redact from any “Confidential” Discovery Material produced all identifying and private information regarding non-parties to the litigation (including names, policy numbers, account numbers, contact information, and banking/loan institutions used).

7. Nothing in this Order shall prevent or prohibit State Farm from seeking additional protection as it deems necessary for protection of “Confidential” Discovery Material in this section.

8. This Order is without prejudice to State Farm’s right to bring before the Court at any time other objections to the production of any Discovery Material.

IT IS SO ORDERED this 26th day of July 2011.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE