

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

EVERGREEN PACKAGING INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 4:11-cv-0178 JMM
)	
HESTCO, INC.)	
)	
Defendant/Third-Party Plaintiff,)	
)	
v.)	
)	
FORD, BACON & DAVIS, LLC,)	
)	
Third-Party Defendant.)	
)	

CONSENT PROTECTIVE ORDER

The parties, by and through counsel and pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, hereby consent to the entry of this Consent Protective Order as follows:

1. The parties recognize and acknowledge that all information obtained, documents produced, discovered, and/or made available to either party or their counsel in response to the other party's Interrogatory Requests and/or Requests for the Production of Documents, whether such documents and information are discovered through counsel for the party or a third-party, are the confidential information of the individual and/or business making the disclosure. Such documents shall be referred to as "General Confidential Information." Any party may specifically mark a document as confidential by stamping "Confidential" on the face

of the document. Such documents shall be referred to as "Specific Confidential Information." Collectively, these two categories of documents shall be referred to herein as "Confidential Information." All medical records produced in discovery shall be stamped "Confidential" and shall be referred to as "Specific Confidential Information."

2. The parties acknowledge and agree that all Confidential Information is required to be maintained in the strictest confidence and that serious injury to the business or reputation of the party making the production could occur should such documents be shown to persons not necessary or authorized to view them.

3. The parties agree that all Confidential Information may be disclosed by counsel for either party to their client, co-counsel and clerical employees assisting in the prosecution and defense of this matter, and may be disclosed to witnesses and experts retained by that party to assist in the prosecution or defense of this matter, provided that any such person, co-counsel, clerical employee, witness or expert agree, in writing, to be bound by the confidentiality provisions in this agreement and agree not to disclose the Confidential Information outside the confines of this lawsuit. Confidential Information received by any person, co-counsel, clerical employee, witness or expert shall be used only for the purpose of assisting in the prosecution or defense of this matter and for no other purpose. No other disclosure may be had without the prior express written consent of the party making the production or its or his/her counsel in this matter.

4. Counsel for the parties are responsible for employing reasonable measures to insure compliance with this Order by those persons to whom the Confidential Information and documents are disclosed pursuant to the authorization of this Order.

5. Nothing herein shall prevent any party from using General Confidential Information in connection with any trial, pleading, motion, or other public proceeding in this litigation. A party wishing to use Specific Confidential Information in connection with any pleading, motion, or other public filing in this litigation shall submit such documents under seal and the opposing party shall file a motion within ten (10) calendar days thereafter if such party desires that the documents remain under seal. If no such motion is filed, the documents shall fall into the General Confidential Information category and protected as otherwise provided herein.

6. The parties agree that nothing stated herein shall constitute a waiver of any right to object to the relevance, admissibility or use of any of the aforementioned documents or the information contained therein, nor shall the designation of any document or thing as confidential be an agreement that it is, or is not, confidential, as a matter of substantive law or evidence. Nothing herein shall prevent any party from seeking further protection or modification with respect to the use of any Confidential Information in connection with such trial, hearing, pleading, motion, or public proceeding in this case.

7. Copies of all Confidential Information shall be identified by bates numbering on each page, or by any other reasonable method agreed to by Defendants and Plaintiffs.

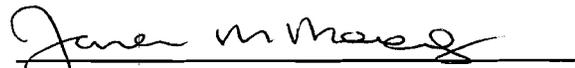
8. Within thirty (30) days after the termination of this lawsuit (following appellate reviews, if any) each party shall return all of the aforementioned documents and all copies of documents which have been made.

9. The parties agree that this Protective Order will be submitted to the Court for inclusion into the record of this lawsuit, and that either party has the right to seek judicial

enforcement of the terms of this Protective Order. Should judicial enforcement be necessary, the prevailing party shall be entitled to the recovery of his/her/its reasonable attorney fees and costs of enforcement.

10. Except as specifically authorized above, no Confidential Information shall be disclosed or revealed by the parties to any person, association, corporation, or any other entity for any business purpose or any other purpose whatsoever.

ENTERED this the 21 day of December 2011.


HONORABLE JAMES M. MOODY
UNITED STATES DISTRICT COURT JUDGE

Submitted for Approval:

By: s/ Richard D. Bennett
Richard D. Bennett (TN BAR#13156)
Patrick G. Walker (TN BAR#26931)
FARRIS BOBANGO BRANAN PLC
999 S. Shady Grove Rd., Suite 500
Memphis, TN 38120
(901) 259-7100
rbennett@farris-law.com
pwalker@farris-law.com

By: s/ Spencer F. Robinson
Spencer F. Robinson (AR Bar#77111)
RAMSAY, BRIDGFORTH, ROBINSON & RALEY LLP
P.O. Box 8509
Pine Bluff, AR 71611
(870) 535-9000
spencerrobinson@ramsaylaw.com
ATTORNEYS FOR PLAINTIFF EVERGREEN PACKAGING, INC.

By: s/J. Andrew Vines

J. Andrew Vines

Baxter D. Drennon

Wright, Lindsey & Jennings LLP

200 West Capitol Avenue, Suite 2300

Little Rock, AR 72201-3699

(501) 371-0808

AVines@wlj.com

bdrennon@wlj.com

ATTORNEYS FOR DEFENDANT HESTCO, INC.

By: s/Jeffery H. Moore

Jeffrey H. Moore, Esq.

Donald H. Bacon, Esq.

FRIDAY, ELDREDGE & CLARK, LLP

400 West Capitol Avenue, Suite 2000

Little Rock, Arkansas 72201

(501) 376-2011

jmoore@fridayfirm.com

bacon@fridayfirm.com

ATTORNEYS FOR THIRD-PARTY DEFENDANT FORD, BACON & DAVIS, LLC