

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

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

JAN 17 2012

JAMES W. McCORMACK, CLERK
By: *[Signature]* DEP CLERK

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MICHAEL HEARING, BUD TRAMMELL,
PAUL BAGGETT, CHARLES W. BISBEE,
JAMES CONLEY, RUSS EVANS, ROBERT
GRACIE, COY MOORE, DAVID OUTLAW,
TERRY WINNINGHAM, and CARL OTWELL,
EACH INDIVIDUALLY AND ON BEHALF
OF OTHERS SIMILARLY SITUATED

PLAINTIFFS

VS.

CASE NO. 4:11-CV-0578 BRW

COSTNER EXCAVATING, INC.
d/b/a COSTNER GAS AND OIL FIELD
SERVICES, and RHETT COSTNER,
Individually and as Owner/Manager of
Costner Excavating, Inc.

DEFENDANTS

PROTECTIVE ORDER

It appearing to the Court that, upon the motion of all parties, defendants have agreed to make available to plaintiffs and their counsel certain information regarding individuals not a party to this lawsuit, specifically information contained in employee personnel files, which files and documents are maintained by the Defendant Costner Excavating. Said files and documents contain confidential information, the release of which would constitute an unwarranted invasion of privacy.

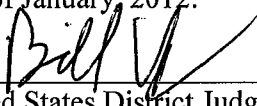
It is therefore ordered that any information gained in any documents photocopied from said files and documents by plaintiffs and any additional files and documents containing personal information requested by plaintiffs pertaining to individuals not a party to this case, and which are relevant to this case and designated confidential by defendants, may be used only in connection with preparing and presenting plaintiffs' case to this Court. These pages consisting of confidential information will be stamped by defendants. Plaintiffs may object to a designation

but will abide by provisions of the protective order until the court rules the information is not confidential.

It is further ordered that any documents obtained by plaintiffs that pertain to individuals not a party to this case shall remain in the custody of plaintiffs or their counsel. Neither plaintiffs, nor anyone acting for or on behalf of plaintiffs, shall in any manner, directly or indirectly, transfer or communicate any of the information or data obtained to any person not a party to this litigation other than for proper purposes directly related to the trial of this action, and that any such person to whom such communication is made is bound by the terms of this Order. Any disclosed confidential material utilized as exhibits at trial, or in any pleadings filed with the Court, shall be maintained in a separate, sealed envelope in the Court's file only to be available to the parties in any appeal which might be taken from the Court's decision in this matter.

It is further ordered that three years after the conclusion of this litigation, including any appeals, all copied documents furnished to plaintiffs designated as confidential herein shall be destroyed or, if defendants so request 60 days before the time to destroy the documents, plaintiffs will return the documents and plaintiffs, their counsel and their representatives are instructed not to retain any copies. If defendants charge plaintiffs for copies, that money shall be refunded if defendants request that the copies be returned.

IT IS SO ORDERED this 17th day of January, 2012.



United States District Judge

Approved as to form:

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

/s/ Denise Reid Hoggard, ABA #84072
Chisenhall, Nestrud & Julian, P.A.
Attorney for Defendants