

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

**THOMAS BROTHERTON**

**PLAINTIFF**

**v.**

**No. 4:12-cv-534 DPM**

**JAY HILL *et al.***

**DEFENDANTS**

**PROTECTIVE ORDER**

Defendants' unopposed motion for a protective order, *Document No. 24*, is granted. The parties stipulate, and the Court orders, as follows:

1. In this case, Plaintiff has requested (or will request) information and documents from the defendants or the Arkansas Department of Human Services ("DHS") that DHS considers to be confidential. "Confidential Information" shall be used only for the purpose of this litigation and for no other purpose. It shall not be given, shown, made available, or communicated in any way by Plaintiff to anyone except "Qualified Persons."

2. "Confidential Information" shall include any documents containing confidential personal information (such as social security numbers, contact information, medical information, dates of birth),

personnel files, and any other documents deemed and declared by the defendants or DHS to contain Confidential Information.

3. Except with the prior written consent of DHS, or pursuant to further order of this Court on motion with notice to defendants and DHS, no Confidential Information may be disclosed to any person other than “Qualified Persons” who shall be defined to include: the Plaintiff and his counsel; secretaries, para-professional assistants, experts, and other employees of Plaintiff’s counsel who will be actively engaged in assisting counsel in connection with this action; court personnel; witnesses at trial or deposition; and the jury.

4. Upon delivery of Confidential Information to the Plaintiff’s counsel or upon making Confidential Information available for inspection and review, DHS (or its counsel) shall execute and submit to the counsel for Plaintiff a document entitled “Inventory of Confidential Documents Delivered” in the form attached as **Exhibit 1**. Documents containing Confidential Information shall be identified by document number.

5. This Order shall be binding throughout this litigation and for one year after this Court enters judgment. This period may be

extended on motion for good cause. After the case is concluded, and before this order expires:

Plaintiff and his counsel shall destroy all Confidential Information, including correspondence, memoranda, notes, or any other documents embodying such information in whole or in part. Plaintiff's counsel shall notify Defendants' counsel that this destruction has occurred. Counsel for Plaintiff and all Qualified Persons shall not disclose in any manner any Confidential Information obtained during the course of this proceeding.

6. Nothing in this Order shall prevent any party from seeking modification of this Order.

7. If Confidential Information is included in any papers to be filed in court, the papers shall be redacted to the extent necessary to preserve confidentiality. For instance, a personnel document that only contains confidential information such as a birth date or social security number must be redacted to exclude that information, and then used. Or, if the identity of the individual needed to be protected, the document could be redacted to exclude the name of that individual. *See* FED. R. CIV. P. 5.2 and Advisory Committee

Notes. If redaction is impractical, or would remove information necessary to the Court's decision on the relevant motion or paper, and only then, the motion or paper should be labeled "confidential," and filed under seal unredacted. Only the Court, Court personnel, and counsel for the parties shall have access to the sealed record in this proceeding until further Order of this Court.

So Ordered.

*D.P. Marshall Jr.*  
D.P. Marshall Jr.  
United States District Judge

*/s/ Luther O Neal Sutter*  
Counsel for Plaintiff

*/s/ David A. Curran*  
Counsel for Defendants

