

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

JOHN BRACEY

PLAINTIFF

v.

No. 4-13-cv-13-DPM

CITY OF LITTLE ROCK, ARKANSAS

DEFENDANT

ORDER

The parties stipulate, and the Court orders as follows:

1. During the course of the litigation of this case, Plaintiff has requested certain documents in discovery that contain confidential and personal information pertaining to employees of the Defendant who are not parties to the case. The requested documents include personnel files and investigative files in the possession of the Little Rock Police Department and the City of Little Rock Human Resources Department. The purpose of this Agreed Protective Order is to ensure that access to those documents is restricted and that certain confidential information identified in this Order is redacted before any documents are produced.

2. Counsel for the parties have agreed, and the Court orders, that any and all documents contained in the files produced by the City of Little Rock in response to discovery requests from the Plaintiff shall be used

solely for the purpose of litigating this action and that documents contained in the files shall not be disclosed except as permitted by this Order. The Court further orders that, prior to providing Plaintiff's counsel with any documents, counsel for Defendant is directed to ensure that employee social security numbers, driver's license numbers, employee identification numbers, home addresses and unlisted telephone numbers are redacted. The Court finds that this type of information is not needed by Plaintiff in order to prosecute his lawsuit and that dissemination of the information could cause City of Little Rock employees irreparable harm.

3. In addition to the confidential information identified in paragraph 2, information contained in files that addresses discipline of other employees and is not generally available to the public is covered by this Order. Therefore, documents that form the basis for, or implement, disciplinary action against City of Little Rock employees shall not be disclosed by Plaintiff's counsel to any person, partnership, firm, corporation, or any other person or entity, with the exception of any witness retained by Plaintiff to offer testimony under Rules 702, 703, and 705 of the Federal Rules of Evidence. All persons who are covered under the provisions of this Order are directed not to discuss any information

contained in any documents referenced in this paragraph with anyone other than those persons authorized by this Order.

4. This Order is entered based on the representations and agreements of the parties and for the purpose of facilitating discovery. Nothing in this Order will be construed as a judicial determination that any specific document or item of information is admissible in evidence at the trial of this case. Furthermore, by stipulating to the entry of this Order, no party waives any right or objection it would otherwise have in absence of the Order.

5. Within thirty days of the final termination of this action, including all appeals, counsel for the Plaintiff shall either return all documents produced by Defendant in the course of the litigation or destroy all such records and promptly serve an affidavit of destruction on counsel for the City of Little Rock attesting that he has complied with this provision of the Order.

So Ordered.

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

12 November 2013