

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

DEXTER DUREN

PLAINTIFF

V.

CASE NO. 5:07-CV-0297 BSM

WASHINGTON GROUP INTERNATIONAL, INC.

DEFENDANT

PROTECTIVE ORDER

On this 9th day of January, 2009, the Court reviewed the Defendant's Motion for Protective Order, and makes the following Orders:

1. Confidential Information, as later defined herein, and obtained by either party in this action, shall be used only for the purpose of this litigation and for no other purpose whatsoever, and shall not be given, shown, made available or communicated in any way to anyone except Qualified Persons, as herein defined.

2. Confidential Information shall be deemed to include, without limitation: personnel files, salary/pay histories, proprietary information, and other matters now requested or hereinafter requested by the Plaintiff, from the Defendant, and as agreed to by the parties, relating to the operation and organization of the Defendant and such other information as may be deemed by this Court to be relevant or material herein. Defendant will designate this information as "Confidential Information" with the method of designation set forth in the letter of transmittal to the Plaintiff. If Plaintiff disputes that the designated information is confidential, defendant shall file a Rule 26(c) motion, pursuant to the Federal Rules of Civil Procedure, demonstrating good cause as to why the information should be designated as confidential. (*See Miles v. Boeing Co.*, 154 F.R.D. 112, 114

(E.D.Pa. 1994), *citing Zenith Radio Corporation v. Matsushita Electric Indus. Co.*, 529 F.Supp. 866 (E.D.Pa. 1981).

3. Except with the prior written consent of the Defendant, or pursuant to further Orders of this Court on motion with notice to the Defendant, no Confidential Information may be disclosed to any person other than "Qualified Persons" who shall be defined to include the Plaintiff, any future counsel of record for the Plaintiff in this action, secretaries, paraprofessional assistants, experts, and other employees of such counsel who would be actively engaged in assisting counsel in connection with this action.

4. This Order, insofar as it restricts the communication in any way and use of Confidential Information, shall continue to be binding through and after the conclusion of this litigation. At the conclusion of this action, including all appeals:

- a) Upon request by Defendant, Plaintiff (or his counsel) shall take all reasonable steps necessary to reclaim all Confidential Information, including correspondence, memoranda, notes or any other documents embodying such information, in whole or in part.
- b) Counsel and all Qualified Persons are enjoined from disclosing in any manner any Confidential Information obtained during the course of this proceeding.

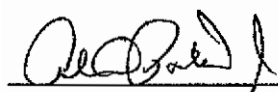
5. Such Confidential Information as may be required to be filed with the Court and with the Clerk of this Court shall be filed under seal. On the Court, Court personnel, and counsel for the parties shall have access to the sealed record in this proceeding until further Order of this Court.

6. Plaintiff's current counsel shall explain to Plaintiff the terms of this Protective Order, including the requirements and restrictions he must observe.

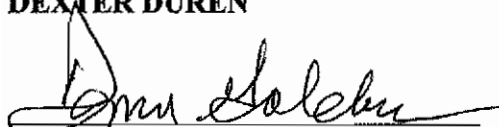
IT IS HEREBY SO ORDERED.


UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:


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