

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION**

**EULUS ABBOTT, An Individual and
Personal Representative of the Estate of
Michael Abbott**

PLAINTIFF

VS.

NO. 09-CV-1036

**SCHNEIDER NATIONAL CARRIERS, INC., and
SCHNEIDER NATIONAL, INC. and
SHANNON G. HYDAR**

DEFENDANTS

PROTECTIVE ORDER

Plaintiffs sent discovery requests to Defendants Schneider National Carriers, Inc., Schneider National, Inc., and Shannon G. Hydar wherein they requested driver qualification file and other employment/personnel records, driving history records, financial and earnings records, training records, drug/alcohol history and other medical records, insurance coverage information, Qualcomm reports, and pertinent portions of Driver Manual utilized by Defendants and its employees. Defendants submitted their responses to these requests, *inter alia*, by objecting to providing information that is confidential, private or proprietary, and thus requesting a Protective Order. The Court finds as follows:

1. Pursuant to the Court's authority under Fed. R. Civ. P. 26(c), a protective order should be issued with regard to the production of the driver qualification, driver management and driver training files and other employment/personnel records, financial and earnings records, training records, drug/alcohol history and other medical records, insurance coverage information, Qualcomm reports, Safety and Company Driver Manuals, (henceforth collectively referred to as the "protected materials") in connection with this litigation.

2. The protected materials produced during the discovery and litigation of this matter shall not be disclosed by Plaintiffs, by their counsel or representatives, or by their witnesses to any person other than to counsel for the parties and counsel's employees actively

engaged in the conduct of this litigation, to any experts retained for the purpose of assisting counsel in trial preparation, and to those specific witnesses who may testify in this action about topics pertaining to the protected materials *provided that* prior to disclosure, each individual to whom disclosure is made is advised of, and specifically agrees to abide by, this order.

3. The non-disclosure provisions of this order shall not terminate at the conclusion of this action. Also, any disclosure shall be made in a manner such that the confidential information does not become a matter of public record, unless Plaintiff is granted authorization by this Court to allow the information to become a matter of public record for the purpose of using such information in the pursuit of this litigation.

4. Within 60 days after final conclusion of all aspects of this litigation, all protected materials and all copies of the same shall be returned to counsel for Schneider National Carriers, Inc., and Schneider National, Inc., and Shannon G. Hydar and a certificate by Plaintiff's counsel of compliance herewith and delivered to counsel for Schneider National Carriers, Inc., and Schneider National, Inc., and Shannon G. Hydar.

5. The protected materials shall be marked "SUBJECT TO PROTECTIVE ORDER" or other similar notation.

6. The parties may file under seal any filing containing protected materials.

ENTERED this 8th day of March, 2010.

/s/ Barry A. Bryant
HON. BARRY A. BRYANT
U. S. MAGISTRATE JUDGE

APPROVED AS TO FORM:

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