

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

AMY ALBERT,)	
)	CASE NO. 2:11-CV-02125-PKH
Plaintiff,)	
)	
v.)	
)	
BOOKS-A-MILLION, INC.)	
)	
<u>Defendant.</u>)	

PROTECTIVE ORDER

On this 16th day of September, 2011, the Court has reviewed the Joint Motion for Protective Order filed on September 13, 2011, Document No. 11, and makes the following Orders:

1. Confidential Information, as later defined herein, and obtained by the Plaintiff, Amy Albert (hereinafter "Plaintiff"), from the Defendant, Books-A-Million (hereinafter "Defendant") 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, as later defined herein, and obtained by the Defendant from the Plaintiff 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.

3. Confidential Information means:

a. Those personnel, medical files and medical records, tax records, financial records, job search information, applicant data, employment records, records including those reflecting business and/or employment related decisions, grievance files, salary/pay histories, rental records, maintenance records and any and all other confidential information or documents related to the Plaintiff and/or employees and former employees of the Defendant.

b. Any information and other matters now requested or hereinafter requested by the Plaintiff from Defendant relating to the operation and organization of Defendant including but not limited to contracts, financial records, personnel files of employees, medical files of employees, salary/pay histories of employees, complaints or grievance files and such other information the confidentiality or privacy of which is protected by statute. Defendant will designate this information as "Confidential Information".

4. Except with the prior written consent of Defendant, or pursuant to further Orders of this Court on motion with notice to 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, and secretaries, paraprofessional assistants, experts, and other employees of such counsel who would be actively engaged in assisting counsel in connection with this action.

5. Except with the prior written consent of Plaintiff, or pursuant to further Orders of this Court on motion with notice to Plaintiff, no Confidential Information may

be disclosed to any person other than "Qualified Persons" who shall be defined to include the Defendant, any future counsel of record for the Defendant in this action, and secretaries, paraprofessional assistants, experts, and other employees of such counsel who would be actively engaged in assisting counsel in connection with this action.

6. 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 her counsel, if any,) 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) Upon request by Plaintiff, Defendant (or its counsel, if any,) 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.

c) All Qualified Persons are enjoined from disclosing in any manner any Confidential Information obtained during the course of this proceeding.

7. 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. Only the Court, Court personnel, Plaintiff, Defendant, and their counsel, if any, shall have access to the sealed record in this proceeding until further Order of this Court.

IT IS HEREBY SO ORDERED.


UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

/s/Benjamin H. Shipley, III
Benjamin H. Shipley, III, AR #80130
CROSS, GUNTER, WITHERSPOON
& GALCHUS, P.C.
5401 Rogers Avenue, Suite 200
Little Rock, Arkansas 72201
Telephone: (479) 783-8200
Facsimile: (479) 783-8265

and

/s/Albert L. Vreeland, II
Albert L. Vreeland, II, AL #ASB-0066-V78A
LEHR MIDDLEBROOKS &
VREELAND, P.C.
P. O. Box 11945
Birmingham, AL 35202-1945
Telephone: (205) 326-3008
Facsimile: (205) 326-3002

Attorneys for Books-A-Million

AND

/s/C. Brian Meadors
C. Brian Meadors, Esq., ABA #2001186
Amanda Thomas, Esq., ABA #2008005
Meadors Law Firm, PLLC
523 Garrison Avenue, 3rd Floor
P. O. Box 1059
Fort Smith, AR 72902-1059

Attorney for Amy Albert

US DISTRICT COURT
WESTERN DISTRICT ARKANSAS
FILED

SEP 16 2011

CHRIS R. JOHNSON, Clerk
By

Deputy Clerk