

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

**ANA MELGAR, PHAYTHOUNE  
PHENGSOUVANAVONG, and  
RUBEN IRABURO, individually and  
on behalf of all others similarly situated**

**PLAINTIFFS**

**v.**

**Case No. 2:13-cv-02169-RTD**

**O.K. FOODS, INC. and  
O.K INDUSTRIES, INC.**

**DEFENDANTS**

**STIPULATED PROTECTIVE ORDER**

**1. Introduction**

Defendants have agreed to produce a list of approximately 1320 current employees and approximately 2669 former employees, along with the current or last-known addresses (as of time of removal) ("Class List"), which Defendants used in removing this action, subject to the entry of a protective order. Plaintiffs intend to use this information for the purposes of determining whether the Court can exercise jurisdiction under the Class Action Fairness Act, including whether the Court must decline jurisdiction under any of the exceptions to the Act. By producing the Class List, Defendants reserve all rights to argue that the addresses contained in the list are not the best evidence of the residency and/or citizenship of these individuals. The parties have agreed to treat the Class List as confidential, and it shall not be used or disclosed except as set forth in this Order.

**2. Use and Dissemination of the Class List**

The Class List shall be used by the parties for the purpose of determining whether the Court can exercise jurisdiction under the Class Action Fairness Act and to develop evidence supporting arguments for and against jurisdiction in this matter. Any person receiving the Class

List shall be advised of this Order.

Unless and until the Court rules otherwise, access, copying, and dissemination of the Class List is limited to the following persons:

(A) Attorneys of record in this litigation and staff and supporting counsel of those attorneys who are working directly on this litigation under the direction of those attorneys and to whom the materials are disclosed for the purposes of this litigation;

(B) Inside counsel of a party working directly on the litigation, including staff and support personnel who are working directly on the litigation under the direction of counsel and to whom it is necessary that the material be shown for purposes of this litigation;

(C) The Court, stenographers, court clerks, and other court personnel employed by the court; and

(D) Any expert utilized by the parties, who shall be provided a copy of this Order and be further made aware of this Order and the fact the documents produced are confidential information.

**3. Exceptions by Order or by Agreement**

Nothing shall prevent disclosure or use beyond the terms of this Order if the parties consent in writing to the disclosure, or if the Court – after notice to the other party and the opportunity to be heard – orders disclosure or allows additional use of the Class List.

**4. Using the Class List in Court filings.**

In the event that a party wishes to use the Class List in a paper filed with the Court in this litigation, the Class List shall be filed under seal.

**5. Modification of Protective Order**

A party may seek the written permission of the other party or further Order of this Court,

after notice to the other party and opportunity to be heard, with respect to modification of this Order. The parties may, by written stipulation, provide for exceptions to this Order.

**SO ORDERED**



**The Honorable Robert Dawson  
United States District Judge**

US DISTRICT COURT  
WESTERN DIST ARKANSAS  
FILED

**JUL 23 2013**

**CHRIS R. JOHNSON, Clerk**

**By**

**Deputy Clerk**