

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

FABIAN TOLEDANO

PLAINTIFF

VS.

Case No. 4:12-CV-4135

SHELTER MUTUAL INSURANCE COMPANY,
SHELTER GENERAL INSURANCE COMPANY,
and SHELTER INSURANCE COMPANIES

DEFENDANTS

AGREED PROTECTIVE ORDER

Before the Court is the parties' Agreed Motion for Protective Order. (ECF No. 16). Upon consideration, the Court finds that the motion should be and hereby is **GRANTED**.

The Plaintiff, Fabian Toledano, through written discovery, has sought from Defendants, a copy of all documents in Defendants' policy manual related to the investigation of loss of property claims, including the portions of the manual related to contracting with fire investigators to investigate losses caused by fire, determination of causation and liability related to property losses caused by fire.

Defendants have agreed to produce documents responsive to this request, which are not privileged or protected material. While Defendants maintain it does not have a "policy manual" as requested by Plaintiff, Defendants do have certain documents it believes may be responsive to Plaintiff's request. However, because of its proprietary and confidential nature, Defendants have requested that the documents be produced under this Protective Order, under the terms and conditions stated herein:

1. That Defendants shall produce a copy of document(s) it believes is responsive to Plaintiff's request. Plaintiff may use the document(s) only for the prosecution of this lawsuit.
2. That the document(s) shall be designated "confidential" by stamping copies of the cover of the document(s) produced with the legend "Confidential – Subject to Protective Order."
3. That the information provided subject to this Protective Order may be disclosed or made available solely to:
 - (a) The Court;
 - (b) Counsel for Plaintiff and the Plaintiff;
 - (c) Any other person approved in writing by the Defendants; and/or
 - (d) Those individuals as otherwise ordered by the Court.
4. If the Court orders other individuals to review the document(s) subject to this Protection Order, each person shall be provided with a copy of this Protective Order. Thereafter, the individuals shall acknowledge in writing that he/she agrees to be bound by the terms of this Order, and they shall, further, acknowledge that any breach of confidentiality shall cause the Defendants irreparable harm.
5. That the Court, specifically, orders if the document(s) provided pursuant to this Order be used on the record or filed with the Clerk of this Court, it shall be filed Under Seal.
6. That this Protective Order shall not be deemed to prejudice any of the parties hereto, in any way, nor shall it prejudice any application for modification of this Order or to later seek protection of any other additional document(s).

7. That this Protective Order is agreed to and entered into by the parties solely for the purpose of affording unnecessary and unwarranted delay in expenses. Nothing in this Order or the production of the document(s) under this Order, under the terms and conditions contained herein, or in any subsequent proceeding held herein pursuant to this Order, shall be deemed to be an admission or waiver with respect to the confidentiality of the document(s) or the alerting of any other obligation of the parties hereto.
8. That this Order shall survive the final disposition or dismissal of this action. Upon the dismissal or termination of this action, counsel for the Plaintiff shall ensure and warrant that all copies of the documents provided pursuant to this Order have been collected from all individuals and counsel shall then return said copies to counsel for the Defendants.
9. That counsel for Plaintiff and Defendants agree that they will timely notify the other of any attempts to modify this Order.

IT IS SO ORDERED, this 13th day of December, 2013.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge

AGREED TO:

/s/ Cody Kees

Cody Kees

Attorney for Defendants

MUNSON, ROWLETT, MOORE & BOONE, P.A.

400 West Capitol Avenue, Suite 1900

Little Rock, AR 72201

501/374-6535

cody.kees@mrmblaw.com

/s/Robert E. Tellez

Mr. Robert E. Tellez

Attorney for Plaintiff

Monterrey & Tellez Law Firm, PLLC

615 West Markham, Suite 200

Little Rock, Arkansas 72201

/s/ Lawrence Orta

Lawrence Orta

ORTA LAW FIRM PLLC

Attorney for Plaintiff

406 North State Line Avenue

Texarkana, AR 71854

lawrence@ortalaw.com

Cell – (501) 749-7225

Fax – (903) 481-6253