

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

U.S. DISTRICT COURT  
WESTERN DISTRICT ARKANSAS  
FILED

FEB 12 2014

CHRIS R. JOHNSON, CLERK  
DEPUTY CLERK

TERRELL PANKEY and SMITH COUNTY STONE, LLC

PLAINTIFFS

v.

NO. 4:13-CV-4046-SOH

WESTERN ARKANSAS ROCK, INC.; AMELIA  
MINERALS, LLC; DAVID J. POTTER; BILLY JOE  
DUFFIELD; LARRY DUFFIELD; LUKE DUFFIELD;  
and RANDY DUFFIELD

DEFENDANTS

**AGREED PROTECTIVE ORDER**

The Court has ordered that the parties agree to a protective order concerning Plaintiffs' discovery requests submitted in this litigation regarding certain requested financial records and customer records as described in the Court's Order dated January 31, 2014, Document No. 57, and from consideration thereof, and other matters of record herein, 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 certain financial records and customer records as described in the Court's Order dated January 31, 2014, Document No. 57, in connection with this litigation.

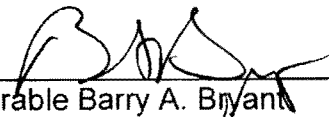
2. The certain financial records and customer records as described in the Court's Order dated January 31, 2014, Document No. 57, which are produced during the discovery and litigation of this matter shall not be disclosed by Plaintiffs, Defendants, their counsel or representatives, or witnesses to any person other than

counsel for the parties and their employees actively engaged in the conduct of this litigation, any experts retained for the purpose of assisting counsel in trial preparation, and witnesses who may testify in this action, provided that the individual for whom disclosure is made is advised of this order prior to disclosure. The provisions of this order shall not terminate at the conclusion of this action. Also, such disclosure shall be made in a manner that the confidential information does not become a matter of public record, unless Plaintiffs are 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 litigation.

3. This Order does not constitute a finding that the confidential information is relevant or otherwise admissible at trial. This Order does not constitute a finding that Defendants have waived any objections to the authenticity, confidentiality, relevance or other objections to admissibility of the files at trial; nor does it constitute a finding that Defendants have waived any objections to the production of the same or similar information which may be sought in other litigation or other proceedings.

4. Within 120 days after final conclusion of all aspects of this litigation, all confidential documents and all copies of the same shall be returned to Defendants and a certificate made by Plaintiffs' counsel of compliance herewith and delivered to Defendants' counsel.

IT IS SO ORDERED this 12<sup>th</sup> day of February, 2014.

  
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Honorable Barry A. Bryant  
U.S. Magistrate Judge

PREPARED BY:

RANDY P. MURPHY, Bar No. 88046  
TONY A. DICARLO, III, Bar No. 2006046  
400 W. Capitol Avenue, Suite 2400  
Little Rock, AR 72201-4851  
Telephone: 501-372-1887  
Facsimile: 501-372-7706  
E-Mail: [murphy@amhfirm.com](mailto:murphy@amhfirm.com)  
E-Mail: [dicarlo@amhfirm.com](mailto:dicarlo@amhfirm.com)

/s/ Tony A. DiCarlo, III

*Co-Counsel for Billy Joe Duffield,  
Larry Duffield, Randy Duffield,  
and Amelia Minerals, LLC*

AND

David A. Grace  
HARDIN & GRACE, P.A.  
P.O. Box 5851  
North Little Rock, Arkansas 72119  
*Co-Counsel for Billy Joe Duffield,  
Larry Duffield, Randy Duffield,  
and Amelia Minerals, LLC*

APPROVED AS TO FORM:

/s/ James S. Robertson, Jr.

James S. Robertson, Jr.  
WILSON, ROBERTSON & CORNELIUS, P.C.  
909 ESE Loop 323, Suite 400  
P.O. Box 7339  
Tyler, TX 75711-7339  
*Attorneys for Plaintiffs*

/s/ Joshua Potter

Joshua Potter  
Jacob Potter  
THE POTTER LAW FIRM  
117 E. Broad St.  
Texarkana, AR 71854  
*Attorneys for Western Arkansas Rock*

/s/ Alex Streett

Alex Streett

James Streett

Robert Veach

STREETT LAW FIRM, P.A.

107 W. Main St.

Russellville, AR 72801

*Attorneys for Luke Duffield*