

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable Marcia S. Krieger

Civil Action No. 09-cv-01050-MSK-KLM

PETER FRAGALE, Individually and On Behalf of All Others Similarly Situated,

Plaintiff,

v.

LEVEL 3 COMMUNICATIONS INC.;
JAMES Q. CROWE;
WALTER SCOTT, JR.;
R. DOUGLAS BRADBURY;
DOUGLAS C. EBY;
JAMES O. ELLIS, JR.;
RICHARD R. JAROS;
ROBERT E. JULIAN;
MICHAEL J. MAHONEY;
CHARLES C. MILLER III;
ARUN NETRAVALI;
JOHN T. REED;
MICHAEL B. YANNEY;
ALBERT C. YATES;
LEVEL 3 COMMUNICATIONS, INC. 401K PLAN COMMITTEE;
MARGARET MCENROE; and
JOHN DOES 1-10,

Defendants.

**ORDER REGARDING CUSTODY OF EXHIBITS AND DEPOSITIONS USED IN
EVIDENTIARY HEARINGS AND TRIALS**

IT IS ORDERED that, as to any exhibits and depositions used during evidentiary hearings or trials, counsel for the parties shall retrieve the originals of such exhibits and depositions from the Court following the evidentiary hearing or trial, and shall retain same for 60 days beyond the later of the time to appeal or conclusion of any appellate proceedings. The

Court will retain its copy of the exhibits for the same time period after which the documents will be destroyed.

DATED this 8th day of May, 2009.

BY THE COURT:



Marcia S. Krieger

Marcia S. Krieger
United States District Judge