

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

MARK MONSOUR, SHEILA MONSOUR)
and MONSOUR'S INC.)

Plaintiffs,)

vs.)

Case No. 05-1204-MLB

MENU MAKER FOODS, INC.)

Defendant.)

_____)

AGREED PROTECTIVE ORDER

NOW, on this 11th day of October, 2005, this matter came before the Court upon the joint application of the parties for a protective order with respect to certain confidential matters, including without limitation, the financial information, net worth information and federal and state income tax returns of any party, to be produced during discovery and at the trial of this matter. Plaintiffs appear by and through Dustin DeV Vaughn of McDonald, Tinker, Skaer, Quinn & Herrington, P.A., the Defendant appears by and through John Val Wachtel of Klenda, Mitchell, Austerman & Zuercher, L.L.C. The parties announced that they have agreed upon a protective order. Upon considering the matter, the Court concludes that a protective order should be issued to prevent the unauthorized disclosure or use of confidential information.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED that certain documents to be produced during discovery or trial of this matter that are considered by the party producing the same to be confidential, shall be conspicuously marked "CONFIDENTIAL" on each page of such documents, by the party producing the same.

IT IS FURTHER ORDERED that, in the event that opposing counsel shall object to the designation, counsel shall meet and discuss resolving the objection(s). Only after counsel have

fully explored an agreed upon resolution of the objection(s) and have been unable to resolve the issue, may any party move the Court for an order to exclude the document(s) from the operation of this

IT IS FURTHER ORDERED that documents so marked and produced shall be disclosed **only** to the parties' counsel, to the staff of such counsel, and to expert witnesses identified by the parties to testify in this case. Such documents shall be used for the preparation and conduct of this case, the preparation of expert reports, the trial of this case, and for no other purpose or reason.

Prior to the disclosure of any such documents to persons authorized by this order to view the same, such person shall be given a copy of this order. Additional persons may be authorized to view the confidential documents only by further order of this Court. At the conclusion of this case, all such confidential documents, and all copies thereof shall be returned to the counsel for the party that produced the same.

If and to the extent that the parties have produced documents during the Rule 26 disclosure phase of these proceedings which they reasonably believe are or should be subject to this order, the party so having produced the documents has ten (10) days from and after the entry of this order to advise opposing counsel of the documents which it seeks to make subject to this order.

IT IS SO ORDERED.

s/ Donald W. Bostwick
Donald W. Bostwick
United States Magistrate Judge

(Signatures on Following Page)

APPROVED:

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