

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

5:06cv68

**VARNELL, STRUCK &
ASSOCIATES, INC.,**)
)
)
 Plaintiff,)
)
 Vs.)
)
 LOWE'S COMPANIES, INC.,)
)
 Defendant.)

LOWE'S COMPANIES, INC.,)
)
 Plaintiff,)
)
 Vs.)
)
 VARNELL, STRUCK AND)
 ASSOCIATES, INC.; DAVID)
 STRUCK; and JOHN VARNELL,)
)
 Defendants.)

**CONSENT ORDER DIRECTING THE DISPOSITION
OF CONFIDENTIAL DISCOVERY MATERIALS**

THIS CAUSE coming on before the undersigned upon the motion of Lowe's Companies, Inc. ("Lowe's") with the consent of Varnell, Struck & Associates, Inc. ("VSA"), David Struck ("Struck") and John Varnell ("Varnell") (collectively VSA, Struck, and Varnell are the "VSA Parties"), upon the settlement and dismissal of this matter and pursuant to the terms of the Protective Order entered on August 4, 2008, seeking a Consent Order Directing the Disposition of Confidential Discovery Materials, and for good cause shown,

IT IS ORDERED that the Consent Motion for Order Directing the Disposition of Confidential Discovery Materials (#63) is **ALLOWED**, and within thirty (30) days of the date of this Order:

1. The VSA Parties shall return to Lowe's counsel all originals and copies of Confidential or Highly Confidential Discovery Materials produced by Lowe's pursuant to the Protective Order; and
2. Lowe's shall destroy all originals and copies of Confidential or Highly Confidential Discovery Materials produced by the VSA Parties pursuant to the Protective Order.

Signed: September 26, 2008

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Dennis L. Howell
United States Magistrate Judge

