

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROBERT O. SPENCER,
Plaintiff,

v.

POTTSTOWN SCHOOL DISTRICT,
Defendant.

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Civ. No. 16-5841

ORDER

AND NOW, this 13th day of February, 2018, upon consideration of Defendant’s Motion to Prohibit Plaintiff’s Use of Misappropriated Confidential and Privileged Documents and for Return of Documents (Doc. No. 23), Plaintiff’s Response (Doc. No. 29), Defendant’s Reply (Doc. No. 30), the testimony and exhibits received into evidence at the evidentiary hearings, the Parties’ Proposed Findings of Facts and Conclusions of Law and Responses (Doc. Nos. 101–104), and all related submissions it is hereby **ORDERED** that:

1. The Motion (Doc. No. 23) is **GRANTED**;
2. Plaintiff is **PRECLUDED** from using **ALL** documents he impermissibly obtained from Defendant: P10, P36–P37, P41, P43–P44, P46–P47, P61–P66, P75–P77, P105–121, P123–P126, P229–232, P539–P540, P550–P552, P555–P557, P585–P587 (Doc. No. 23-1 at 2–6; Doc. No. 29 at 5–6; Doc. No. 60); and
3. Neither Plaintiff nor his counsel may keep or retain any copies—in whatever medium—of the documents listed in ¶ 2. Plaintiff **SHALL PROVIDE** to his counsel all copies within his possession or control of the documents listed in ¶ 2. Plaintiff shall permanently **ERASE** or **DESTROY** all electronic, digital, or other stored versions or images in whatever medium of the documents in his possession or control. Plaintiff shall **PROVIDE** his counsel with a sworn certification that he has taken all

these actions. Counsel shall **PROVIDE** the original of this certification to the Court and a copy of the certification to Pottstown. Plaintiff's counsel shall **PROVIDE** to Pottstown all copies of the documents listed in ¶ 2 provided by Plaintiff pursuant to this Order or otherwise within counsel's control or possession.

AND IT IS SO ORDERED.

/s/ Paul S. Diamond

Paul S. Diamond, J.