

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

KENNETH L. MANNING,

Plaintiff,

v.

CASE NO. 5:10-cv-00215

UNITED STATES OF AMERICA,

Defendant.

PROTECTIVE ORDER

By signing this Protective Order, the parties have agreed to be bound by its terms and to request its entry by the presiding district or magistrate judge. It is hereby

ORDERED as follows:

A. That pursuant to both the “Release and Settlement of All Claims and Covenant of Confidentiality” and the “Settlement Agreement and Full Release of All Claims Against Raleigh General Hospital” between the plaintiff, Kenneth L. Manning, and Anthony T. Dinh, M.D. and Raleigh General Hospital in civil action number 08-C-518 in the Circuit Court of Raleigh County, West Virginia and styled “Kenneth Manning, Plaintiff, v. Raleigh General Hospital and Anthony T. Dinh, M.D.,” the plaintiff, Kenneth L. Manning and his counsel agreed that neither they nor their agents, employees and representatives would, directly or indirectly, provide or release any information contained in the disclosed documents listed above to anyone, natural or artificial, including, but not limited to, any news media or source of news media or representatives of any news media or anyone engaged in, directly or indirectly, the communication of

information to any media of general or limited circulation, professional, occupational or trade journal, newspapers or publications of any type or form.

B. In the United States of America's First Request for Production of Documents, the defendant requested as follows:


REQUEST NO. 1: Please provide any financial settlement documents with any party in Manning v. Dinh, et al., Civil Action No. 08-C-518-K which was filed in the Circuit Court of Raleigh County, West Virginia.

The plaintiff, Kenneth L. Manning, responded as follows:

RESPONSE: Releases and settlement documents in Circuit Court of Raleigh County in Manning v. Dinh, et al., Civil Action No. 08-C-518-K, prohibit disclosure of these documents.

C. Based upon the above-delineated predicate and pursuant to this Court's previously entered Protective Order the plaintiff, Kenneth L. Manning, by counsel, shall provide the United States of America with copies of the following documents marked "**CONFIDENTIAL:**" The "Release and Settlement of All Claims and Covenant of Confidentiality" and the "Settlement Agreement and Full Release of All Claims Against Raleigh General Hospital" between the plaintiff, Kenneth L. Manning, and Anthony T. Dinh, M.D. and Raleigh General Hospital in civil action number 08-C-518 in the Circuit Court of Raleigh County, West Virginia and styled "Kenneth Manning, Plaintiff, v. Raleigh General Hospital and Anthony T. Dinh, M.D." In accordance with this and the previously entered Protective Order no party or attorney or other person subject to this Protective Order shall distribute, transmit, or otherwise divulge any document or other material which is marked "**CONFIDENTIAL,**" or the contents thereof, except as provided in the aforementioned Protective Order (dckt 16).

ENTER: February 4, 2011


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA

Order seen and approved by:

s/Sprague W. Hazard

SPRAGUE W. HAZARD: 1651
Law Office of Sprague W.
Hazard, L.C.
900 Lee Street East
Suite 915
Charleston, WV 25301
Phone: 304-345-6761
Fax: 304-345-6764
E-mail: swhazard@msn.com
Counsel for Plaintiff

s/Stephen M. Horn

STEPHEN M. HORN: 1788
Attorney for United States
U. S. Attorney's Office
P. O. Box 1713
Charleston, WV 25326
Phone: 304-345-2200
Fax: 304-347-5443
E-mail: steve.horn@usdoj.gov
Counsel for United States