

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
PEORIA DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY))	
COMMISSION,))	04 CV 1323
)	
Plaintiff,))	Judge McDade
)	
v.))	Magistrate Judge Gorman
)	
Studley Products, Inc. and Wildwood))	
Industries, Inc.))	
)	
Defendants))	
_____))	

**AGREED PROTECTIVE ORDER
GOVERNING CONFIDENTIALITY OF
CERTAIN DOCUMENTS**

Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, and the stipulation of the parties, it is hereby agreed as follows:

- 1) The term “Confidential Documents” is defined as:
 - a) income tax returns of Defendants and of Jerry Wayne Barth;
 - b) financial reports of Defendants;
 - c) records of the mental, emotional and medical condition of Jerry Wayne Barth;
 - d) personnel file documents of persons who are currently or have been employed by Studley Products, Inc. or Wildwood Industries, Inc. that contain the following types of information: i) wage, financial or tax information, ii) social security numbers, iii) unlisted home address or telephone numbers, iv) physical or mental health information,

v) performance evaluations, and/or vi) records of discipline.

2) The term “Confidential Information” means information contained in “Confidential Documents” that is either financial information, information as to Mr. Barth’s mental, emotional and/or medical condition, or information in personnel files of the type specified in paragraph 1) d).

3) As used herein, “disclosure” or “to disclose” shall mean to divulge, reveal, describe, summarize, paraphrase, quote, transmit, or otherwise communicate Confidential Information.

4) Confidential Information shall be used only for the purpose of this litigation. During the pendency of this litigation, Confidential Information shall not be placed in the possession of or disclosed to any person, except as set forth in paragraphs 5 below, as otherwise agreed upon by the parties, or upon leave of Court. The EEOC may redact from the income tax return of Mr. Barth the social security numbers of his wife and her daughter.

5) Confidential Information protected by this Order shall not be disclosed in any manner, directly or indirectly, to any persons except as follows:

- a. Confidential Information may be used by the parties, their attorneys, and clerks, paralegals, secretaries and other support staff in the employ of such parties or attorneys for the purpose this litigation. However, income tax returns of Defendants and of Jerry Wayne Barth, and financial reports of Defendants may be reviewed by attorneys only, unless authorized by one of the subparagraphs below.
- b. Jerry Wayne Barth may review any Confidential Information that

Defendant(s) uses or refers to in a motion, relies on in settlement discussions and/or conferences, or proposes to use as an exhibit at trial, or on appeal.

- c. Confidential Information may be reviewed by an expert witness or consultant expressly employed or retained by counsel or a party to this litigation for the purpose of prosecuting or defending this litigation; and
- d. The parties must be notified prior to filing any tax returns and/or financial reports with the Court. If either party so chooses, it may petition the Court for an order providing that such tax returns and/or financial reports must be filed under seal. Neither party will file such tax returns and/or financial reports with the Court for fourteen (14) days after providing the other party with written notice of its intent to so file such documents. If, during the fourteen (14) day period, either party petitions the Court for an order that such tax returns and/or financial reports must be filed under seal, neither party will file such documents until the Court has ruled on the petition.
- e. Confidential information may be disclosed to a court reporter and other persons while attending a deposition. However, before any income tax return and/or financial report may be so disclosed, such persons (other than counsel of record) must be specifically informed that the document contains confidential information, that such information is provided pursuant to the terms and restrictions of a court order, and that he or she shall not use such information except for purposes of the above-captioned case. Such person shall be shown a copy or the original of this protective order and must sign an affidavit in the following form:

“I certify my understanding that tax return(s) and/or financial report(s) are being provided to me pursuant to the terms and restrictions of a protective order of the U.S. District Court for the Central District of Illinois, Peoria Division, in the case of Equal Employment Opportunity Commission v. Studley Products, Inc. and Wildwood Industries, Inc., Case No. 04 CV 1323 and that I have been given a copy of and have read that protective order and agree to be bound by it. I understand that these documents and the information contained therein shall not be disclosed to anyone other than the attorneys, or other persons authorized by the order, and may be used only for the purpose of this proceeding.”

If any party makes any income tax return and/or financial report an exhibit to the deposition, the attorney for that party shall retain custody of the exhibit

and shall make a copy for opposing counsel.

6) This Order does not limit the right of any party to object to the scope of discovery in this case.

7) This Order does not constitute a determination of the admissibility or evidentiary foundation for the documents or a waiver of any party's objections thereto.

8) Nothing shall prevent disclosure beyond the terms of this Order if all parties consent to such disclosure, or if the Court, after notice to all affected parties, permits such disclosure. Specifically, if and to the extent any party wishes to disclose any Confidential Information beyond the terms of paragraphs 5 of this Order, that party shall provide all other parties with reasonable notice in writing of its request to so disclose the materials. If the parties cannot resolve their disagreement with respect to the disclosure of any Confidential Materials, then a party may petition the Court for a determine of these issues.

9) Within sixty (60) days of completion of the litigation (including any appeals) the parties shall return to each other or destroy all copies of Confidential Documents. If the documents are destroyed, Plaintiffs' counsel and/or Defense counsel shall certify in writing that the destruction has taken place. The obligation to maintain the confidentiality of information copied from Confidential Documents shall continue after the completion of this case.

AGREED:

s/Gordon Waldron

Date: _____

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s/ J. Reed Roesler

Date: _____

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ENTERED: s/John A. Gorman
Magistrate Judge Gorman

Date: February 10, 2005

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