

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED

SEP 5 2001

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
EXEL INC. f/k/a EXEL LOGISTICS, INC.,)
)
Defendant.)

Case No. 4:01CV00154 JCH

PROTECTIVE ORDER

Based upon the Plaintiff's motion for the entry of this Protective Order concerning certain income tax returns and earnings statements to be produced by Plaintiff in response to Defendant's First Request For Production of Documents, and it appearing to the Court that sufficient cause exists for the issuance of such an Order,

IT IS HEREBY ORDERED as follows:

1. In accordance with the provisions set forth below, the Court intends that the income tax returns and wage and earnings statements of Alan Gray produced in response to Defendant's First Request For Production of Documents, or any income tax returns and wage and earnings statements produced in response to subsequent document requests, shall be used by the Defendant solely for the purposes of this lawsuit.
2. Any income tax returns and wage and earnings statements produced in response to Defendant's First Request For Production of Documents, or any income tax returns and wage and earnings statements produced in response to subsequent document requests, shall be designated as "Confidential." All documents so designated and all copies thereof (hereinafter,

“the Confidential Information”), shall be treated as confidential and shall not be disclosed except as provided in this Order; provided, however, that nothing in this Order shall prevent Defendant from challenging the designation of any document as Confidential.

3. Plaintiff may designate a document as Confidential pursuant to the terms of this Order by affixing to the first page thereof a stamp with the legend “Confidential” or may, in the alternative, by written notice inform Defendant that the document(s) shall be treated as Confidential Information.

4. Confidential Information shall be produced only to counsel of record in this action, each of whom is bound by the terms of this Order.

5. Neither the Confidential Information nor its contents shall be disclosed to any other person without the agreement of Plaintiff, except that Defendant’s counsel may, without further agreement, disclose the Confidential Information or its contents to the following persons for use solely in connection with this action:

- a. Attorneys, legal assistants, employees or other agents of the Defendant;
- b. Experts or consultants retained with respect to this action;
- c. Any person from whom testimony has been taken or is reasonably expected to be taken in this action, whether by deposition or at trial;
- d. Any person who is an officer, director or employee of Defendant or Plaintiff;
- e. This Court and its staff; and
- f. Any court reporters present in their official capacity at any hearing, deposition, or other proceeding in this action;

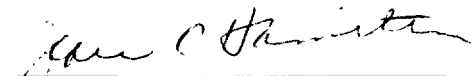
g. Any person(s) to whom Confidential Information is disclosed pursuant to this paragraph, or any of its sub-paragraphs, shall be bound by the terms of this Protective Order to the same extent as the party disclosing such Confidential Information to said person(s).

6. Confidential Information shall be used solely for the purpose of prosecution or defense of this action, and such documents may be used, consistent with the terms of this Order, in pretrial discovery and at trial or preparation for trial and in any appeals of this action. The use of Confidential Information at trial or at depositions shall not be deemed a waiver of this Order.

7. This Order has no effect upon, and its scope shall not extend to Plaintiff's use of its own Confidential Information.

8. Either party may at any time and for any reason seek modification of this Protective Order. This Protective Order can be modified by written agreement of the parties or by Order of this Court. Each party reserves the right to object to any party's motion or request to modify this Protective Order.

Dated This 5th day of Sept, 2001.



Jean C. Hamilton
United States District Judge

AN ORDER, JUDGMENT OR ENDORSEMENT WAS SCANNED, FAXED AND/OR MAILED TO THE
FOLLOWING INDIVIDUALS ON 09/05/01 by cabrams
4:01cv154 EEOC vs Exel Inc.

42:12101 Americans with Disabilities Act

James Foster - 3129	Fax: 314-567-5968
Donna Harper -	Fax: 314-539-7895
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William Jones - 25575	Fax: 314-567-5968
Melvin Kennedy - 33222	Fax: 314-539-7895
Gwendolyn Reams -	Fax: 314-539-7895

SCANNED & FAXED BY:

SEP - 5 2001

DJO