

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES EQUAL)
EMPLOYMENT OPPORTUNITY)
COMMISSION,)

Plaintiff,)

TERRY FITZGERALD,)
SUSAN SOLIS, and)
ALISHA WILLIAMS,)

Plaintiff Intervenors,)

vs.)

Case No. CIV-04-1078-M

WESTPHALEN INSURANCE)
SERVICES, INC., and)
GARY WESTPHALEN, Individually,)

Defendants.)

PROTECTIVE ORDER

The documents designated as confidential for the purposes of this Protective Order shall be the personnel files and financial information produced in response to plaintiff EEOC’s requests for production numbers two and twenty-five (“Protected Materials”).

The Protected Materials shall only be used by plaintiff, plaintiff intervenors, and defendants in connection with the instant lawsuit and for no other purpose. The Protected Materials or any copies, prints, negatives, or summaries thereof shall not be given, shown, or otherwise directly or indirectly disclosed to any entity or person except the parties herein, the parties’ attorneys and their staff, and any agents, experts, or consultants employed by plaintiff, plaintiff’s attorneys, plaintiff intervenors, or plaintiff intervenors’ attorneys. The Protected Materials may also be disseminated to expert witnesses in connection with preparation for their testimony or for use during the taking of their depositions or testimony at trial and to court reporters in connection with depositions or trial.

All individuals receiving the Protected Materials are bound by this Protective Order.

At the conclusion of the work of any experts, consultants, or other persons as described above, the Protected Materials and all copies, prints, negatives, and summaries thereof shall be returned to the attorneys who retained the expert or consultant or otherwise provided access to the Protected Materials. At the time of such re-delivery, an Affidavit in the form of Exhibit A attached hereto shall be executed by such experts, consultants, or other persons who have had access to the Protected Materials, with the exception of counsel and their staff, stating that they are aware of and agree to be bound by all of the provisions of this Protective Order. Such Affidavit shall be returned to the attorneys who provided access to the Protected Materials and be maintained by them.

At the conclusion of this litigation, whether by settlement or trial, and after the termination of all appeals and the expiration of time for further appeal, plaintiff intervenors' attorneys shall provide to defendants' counsel the Protected Materials and all copies, prints, negatives, and summaries thereof and plaintiff EEOC shall provide to defendants' counsel any Protected Materials that are not a part of the official EEOC litigation file and shall retain and destroy any Protected Materials that are a part of the official EEOC litigation file as required by applicable federal regulations. Plaintiff's attorneys and plaintiff intervenors' attorneys shall further provide to defendants' counsel at such time of re-delivery all affidavits received pursuant to the above paragraph.

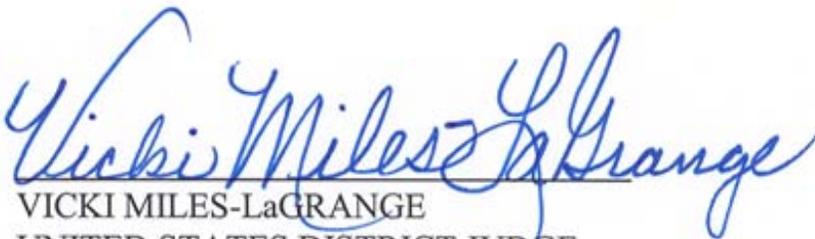
No party shall be bound by this Protective Order as to any information that it possessed prior to this action.

Any Protected Materials made a part of or attached as an exhibit to any deposition taken in this action, any deposition testimony containing information from the Protected Materials, and any

papers filed with this Court in this action, which include or summarize any deposition transcripts, testimony, or exhibits containing Protected Materials, shall be sealed and protected from disclosure by this Protective Order.

The Court shall retain jurisdiction over this Protective Order and shall enforce same in accordance with applicable federal law.

IT IS SO ORDERED this 18th day of January, 2006.


VICKI MILES-LaGRANGE
UNITED STATES DISTRICT JUDGE