

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

L.B. GARRISON, et al.,	}	
	}	
Plaintiffs,	}	
	}	
v.	}	CIVIL ACTION NO.
	}	05-AR-0714-S
	}	
WAL-MART STORES, INC.,	}	
	}	
Defendant.	}	

**CONSOLIDATED WITH**

EQUAL EMPLOYMENT OPPORTUNITY	}	
COMMISSION,	}	
	}	
Plaintiff,	}	CIVIL ACTION NO.
	}	05-AR-0733-J
v.	}	
	}	
WAL-MART STORES, INC.,	}	
	}	
Defendant.	}	

**PROTECTIVE ORDER**

Before the court is the motion of defendant, Wal-Mart Stores, Inc. ("Wal-Mart") for a protective order. The proposed protective order that was attached to Wal-Mart's motion is consented to by plaintiffs L.B. Garrison, Sharon Tittle, Robbie Scogin, and Beverly McCluskey in CV-05-AR-0714-S, but opposed in some respects by EEOC in CV-05-AR-0733-J. The motion is GRANTED, but with the understanding that EEOC may retain any documents obtained during discovery in accordance with its internal document retention policies and that EEOC may move this court to be relieved of any

obligation or limitation arising under the protective order as to particular documents or pieces of information provided by Wal-Mart if a motion for relief is filed within five (5) calendar days of receipt of an item by EEOC.

It is hereby ORDERED, subject to the limitations requested by the EEOC and granted above, that the documents and other information, including the substance and content thereof, designated by the Defendant as confidential and proprietary, and produced by the Defendant in response to any formal or informal requests for discovery in this litigation, shall be subject to the terms of this Protective Order as set forth below:

For purposes of this Order, "*Confidential Proprietary Information*" means: any such designated documents or materials, including personnel files of present and former Defendant employees, which are produced to the opposing party in this matter.

The Plaintiffs and their attorneys shall not give, show or otherwise divulge or disclose the substance of the documents or other information designated as *Confidential Proprietary Information*, or any copies, prints, negatives or summaries thereof, to any entity or person with the exception of deponents and/or witnesses, experts and consultants employed by the parties, and the parties' attorneys, so long as that divulgence or disclosure is in connection with the preparation and trial of this action. The

Plaintiffs and their attorneys shall make a good faith determination of what constitutes a "summary".

Before any such *Confidential Proprietary Information*, or substance or summary thereof, shall be disclosed to experts or consultants retained by the Plaintiffs, the Plaintiffs' attorneys are hereby Ordered to tender a copy of this Order to each such expert and/or consultant in order that each such entity or person to whom such disclosure of *Confidential Proprietary Information* is made shall be on notice and fully informed that the existence and substance of this Protective Order is, and is intended to be, equally binding upon it, him or her, as well as upon the parties and their counsel.

Nothing in this Order shall be deemed a waiver of Plaintiffs' right to (a) oppose discovery on grounds other than that the documents and information sought constitute or contain *Confidential Proprietary Information*; or (b) object on any ground to the admission in evidence, at trial of this action, of any *Confidential Proprietary Information*.


All materials designated as confidential shall be treated as confidential pursuant to the terms of this Protective Order until further Order of this Court. Either party may challenge the designation of any material as confidential or otherwise apply to the Court by motion at any time during the pendency of this case

for a ruling upon good cause shown that materials not be treated as confidential.

Nothing herein shall prevent the parties from using the *Confidential Proprietary Information* in connection with any court filings, trial, hearing or other public proceeding in this matter or from seeking further protection with respect to the use of any such *Confidential Proprietary Information* in connection with such court filings, trial, hearing or other public proceeding in this matter.

Upon the completion of the trial and appeals, if any, in this action, or at the satisfaction of any judgment, or upon conclusion of any settlement, if any, the Plaintiffs and their attorneys shall return upon request the documents designated as confidential and any and all copies, prints and negatives thereof within their possession, custody or control.

DONE this 12<sup>th</sup> day of May, 2006.

  
WILLIAM M. ACKER, JR.  
UNITED STATES DISTRICT JUDGE