

FILED 

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

JUL 23 2003

LARRY W. PROPES, CLERK
U. S. DISTRICT COURT

EQUAL EMPLOYMENT OPPORTUNITY)	CIVIL ACTION NO.
COMMISSION,)	8:03-1830-20B1
)	
Plaintiff,)	
)	
v.)	<u>PROTECTIVE ORDER</u>
)	
HOMES AMERICA, INC.,)	
ACCENT MOBILE HOMES, INC., AND)	
SOUTHERN SHOWCASE HOUSING, INC.,)	
)	
Defendants.)	
)	

Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, and for good cause shown, with the consent of Plaintiff and Defendants, the Court enters this Protective Order to prevent disclosure of certain medical and/or psychological records and/or testimony regarding Peggy Cox to protect her privacy and confidentiality. Plaintiff seeks compensatory damages on behalf of Ms. Cox. Pursuant to the Federal Rules of Civil Procedure, the EEOC will produce records to Defendants regarding Ms. Cox's health care treatment. The EEOC asserts that the health care records and information about Ms. Cox should be declared confidential and be made subject to this protective order pursuant to Rule 26(c). Defendants consent to this Consent Protective Order.

IT IS THEREFORE ORDERED that any and all medical or psychological records of Ms. Cox shall be designated as confidential and shall be treated as confidential. Such records shall be maintained in confidence by the parties and their attorneys. These highly personal records shall not be disseminated nor any portion or part thereof divulged or revealed except to the attorneys, consulting or testifying experts, or appropriate officials of the parties who have a need to know.

Prior to the disclosure of the confidential information to an expert or agent, the party shall provide to such person a copy of this Protective Order. In addition, the party shall notify the expert or agent that they, as agents employed by the party, are bound by the terms and conditions of this Protective Order.

If any of the confidential records are used in a deposition during this case, counsel for Plaintiff, at his or her discretion, shall notify the Court Reporter, at the time the confidential material is introduced, that the information is confidential, and shall, if necessary, designate testimony about the records as confidential. The Court Reporter will note the confidential section of the transcript and shall mark the exhibit or record.

In the event Defendants intend to file with the Clerk of Court any portion or part of the confidential records or writings, Defendants must notify opposing counsel in writing with sufficient notice for Plaintiff to comply with Local Civil Rule 5.03. Plaintiff, in its discretion, in accordance with Local Civil Rule 5.03, may then move for an Order sealing that portion of the public record. Any confidential records filed with the Clerk of Court after Plaintiff has moved to seal that portion of the public record shall be sealed by the Clerk of Court during the pendency of Plaintiff's motion to seal.

Upon completion of this case, Defendants shall destroy all documents and/or information subject to this Protective Order.

Nothing in this Order shall be construed as an abdication, waiver or limitation of any kind on the right of any party to assert any discovery or trial privilege. Further, the parties agree that the disclosure prohibition set forth herein shall continue and be in full force and effect even after the conclusion of this action.

IT IS SO ORDERED.

Bruce Hendricks
The Honorable ~~Henry M. Herlong Jr.~~ Bruce H. Hendricks
United States ~~District~~ Judge
Magistrate

July 8, 2003

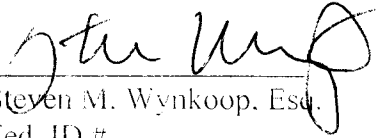
WE CONSENT

Dated this 13 day of July, 2003.

GWENDOLYN YOUNG REAMS
Associate General Counsel

MINDY E. WEINSTEIN
Regional Attorney

EDWIN L. TURNAGE
Trial Attorney
Federal ID# 5189
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
301 N. Main Street
Landmark Building, Suite 1402
Greenville, SC 29601
(864) 231-4406


Steven M. Wynkoop, Esq.
Fed. ID # _____

NELSON MULLINS RILEY & SCARBOROUGH
Post Office Box 10084
Greenville, South Carolina 29601

Attorney for Defendants