

EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, et al. )  
 )  
Plaintiffs, )  
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 )  
v. ) CIVIL ACTION NO.  
 )  
 ) 3:04-CV-623  
PRODESIGN, LLC )  
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 )  
Defendant. )  
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Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, the Plaintiff, Equal Employment Opportunity Commission, Plaintiff-Intervenor Robbie Caldwell, and Defendant, Prodesign, LLC, through their respective counsel, hereby stipulate to the entry of this Order for the protection of certain confidential and proprietary information which may be produced or otherwise disclosed during the course of this action.

IT IS HEREBY ORDERED that:

1. For the purposes of this Order, the following definitions shall govern:
  - (a) “CONFIDENTIAL INFORMATION” shall mean all information identified in paragraph 12 of this Order;
  - (b) “COUNSEL” shall mean all attorneys of record in the above-captioned case and their agents; and

- (c) “SUPPORT PERSONNEL” shall mean any clerical and/or support staff employed by COUNSEL, specifically including (i) secretarial support staff, (ii) paralegal employees, (iii) any independent stenographer retained to record and transcribe testimony in this action; and (iv) any in-house or independent entity retained or used for the sole purpose of making photocopies of CONFIDENTIAL INFORMATION.

2. Any information disclosed pursuant to this Protective Order shall be used solely for the purposes of this lawsuit and may not be used, or disclosed, for any other purpose.

3. The receiving party’s COUNSEL shall be permitted to disclose such CONFIDENTIAL INFORMATION to their client(s) and any consulting and/or testifying experts only to the extent necessary to prepare this matter for trial and then only after such individuals have read this Stipulated Protective Order and have specifically agreed in writing not to discuss, disclose, or otherwise use any CONFIDENTIAL INFORMATION of the disclosing party in violation of the terms and spirit of this Protective Order. The requirement of a written agreement may be satisfied by having the individual sign and date a copy of this Protective Order. The original signed copy of the Protective Order shall be kept by COUNSEL for the receiving party.

4. The receiving party’s COUNSEL shall be permitted to disclose CONFIDENTIAL INFORMATION to SUPPORT PERSONNEL without the need for a written agreement provided each individual is instructed to maintain such information in strict confidence and then only to the extent necessary to prepare this matter for trial.

5. The receiving party, COUNSEL, all SUPPORT PERSONNEL thereof, and any experts employed by the receiving party or COUNSEL are strictly prohibited from disclosing CONFIDENTIAL INFORMATION to any individual not contemplated by the terms of this Protective Order absent a court order, subpoena, or the written consent of the originating party.

If a party receives a subpoena or legally enforceable order requiring disclosure of any CONFIDENTIAL INFORMATION, the receiving party shall object to the disclosure of such information, citing this Protective order, and shall immediately provide notice thereof to the originating party and its counsel.

6. Nothing contained herein shall preclude a party from requesting or seeking an order permitting the disclosure of CONFIDENTIAL INFORMATION to non-party witnesses. The parties agree to confer in good faith to resolve any concerns regarding the disclosure of CONFIDENTIAL INFORMATION to non-party witnesses.

7. CONFIDENTIAL INFORMATION disclosed during a deposition shall be so designated on the record and, unless otherwise agreed by COUNSEL, the Court Reporter shall be instructed to separately transcribe such testimony under separate cover with each page thereof clearly marked as "CONFIDENTIAL."

8. All transcripts, exhibits, discovery responses, and any other documents filed with the Court which have been designated as CONFIDENTIAL INFORMATION shall be filed in a sealed envelope bearing the title of this action with an indication of the general nature of its contents and a statement substantially in the following form:

**"THIS ENVELOPE CONTAINS CONFIDENTIAL DOCUMENTS FILED IN THIS CASE BY (NAME OF PARTY) AND, EXCEPT BY ORDER OF THE COURT OR PURSUANT TO STIPULATION BY THE PARTIES, SHALL NOT BE OPENED NOR THE CONTENTS THEREOF DISPLAYED OR REVEALED TO ANYONE OTHER THAN TO THE COURT OR COUNSEL OF RECORD."**

This provision shall not be deemed to prevent additional copies of any pleading or paper from being hand-delivered to the Court's chambers provided, however, such copies comply with the requirements set forth herein.

9. A party or any member of the public may apply to the Court for a ruling that a

specific document (or category of documents) deemed confidential is not entitled to such status and protection. The party that designated the document as confidential shall be notified of the application and shall be provided an opportunity to respond. To maintain the confidentiality of any challenged document (or category of documents) the proponent of the confidentiality must show by a preponderance of the evidence that there is good cause for the document to have such protection.

10. Procedures for utilizing and disclosing CONFIDENTIAL INFORMATION during trial shall be discussed and agreed upon by the parties prior to the submission of the Final Pre-trial Order and, if necessary, incorporated therein.

11. Upon termination of this litigation, whether by final judgment and appeal, or by settlement, all materials and documents designated as CONFIDENTIAL INFORMATION, as well as all copies, summaries, and abstracts thereof, shall be returned to the originating source or destroyed.

12. This Protective Order applies to the documents listed below. From time to time, by agreement of the parties, additional documents may be added to this list by the filing of a supplemental list with the Court.

The following documents are included in the Protective Order:

- a. Documents which contain confidential personal information, which cannot otherwise be redacted, including but not limited to social security and driver license numbers, bank information, or information regarding minor children.
- b. Medical records of Janice Patrick.
- c. Medical records of Arrel Jones.

IT IS SO ORDERED this 7th day of April, 2005.

S/Christopher A. Nuechterlein  
United States Magistrate Judge  
COURT, NORTHERN DISTRICT OF  
INDIANA, SOUTH BEND DIVISION

APPROVED:

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

PRODESIGN, LLC

By: s/Jo Ann Farnsworth  
Jo Ann Farnsworth

By: s/Julie M. Conrad  
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