

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JOEL S. BERK,

Plaintiff,

v.

Case No. 05-2427-DJW

BUILDERS PUBLISHING COMPANY,
INC.

Defendant.

AGREED PROTECTIVE ORDER

COME NOW Defendant Builders Publishing Company, Inc. ("Builders Publishing") and Plaintiff Joel S. Berk ("Plaintiff") and seek a Protective Order to protect the disclosure of certain financial and personnel records of Builders Publishing, as well as private information of plaintiff. For good cause shown, the Court grants the parties' Joint Motion for Protective Order (doc. 7).

The purpose of this Order is to prevent the disclosure of matters deemed confidential under the terms of this Order to persons or entities other than those involved in the prosecution or defense of this litigation. The Order is necessary to protect both the parties and other persons from annoyance and embarrassment. Discovery in this case will include private information from both parties and nonparties, including but not limited to tax information and other private documents regarding plaintiff's income, confidential business information concerning the business and management strategies of defendant, and entire personnel files of persons who have no interest in this litigation. The privacy interest in such information substantially outweighs the public's right of access to

judicial records. All documents and other things marked "Confidential" shall be subject to this Protective Order.

Parties agree that all documents shall be used only in connection with these proceedings, any counterclaim proceedings, and any appeals arising therefrom. No information produced in discovery in this case, including but not limited to confidential information, shall be used for any purpose other than in connection with this case and any appeals arising therefrom. Parties agree that no confidential information provided to counsel shall be disclosed to any other person, party, entity, agency, print or electronic media, or anyone outside this proceeding for any purpose. The parties understand that this order covers all documents marked as confidential.

Parties and deponents may, within fifteen (15) days after receiving the transcript of a deposition, designate pages of the transcript (and exhibits thereto) involving confidential documents and information as confidential. Confidential information within the deposition transcript may be designated by a letter to opposing counsel indicating the portions of the transcript that are confidential. Until the expiration of the fifteen day period, the entire transcript will be treated as subject to protection against disclosure under this Order.

On termination of this litigation including expiration of all appeal rights, each party shall deliver to the other all documents and other things marked "Confidential" or a signed notarized statement that all documents and other things marked "Confidential" have been destroyed.

Pursuant to agreement by the parties, this Order shall be retroactive to all information previously disclosed by either party.

IT IS THEREFORE ORDERED that the parties' Joint Motion for Protective Order (doc. 7) is granted.

IT IS SO ORDERED

Dated this 19th day of April 2006, at Kansas City, Kansas.

s/ David J. Waxse

David J. Waxse

U.S. Magistrate Judge

Respectfully submitted,

s/ Barry R. Grissom

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