

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ROBISON FARMS, INC.,)
)
 Plaintiff,)
)
 v.) Case No. 05-4089-RDR
)
 ADM ALLIANCE NUTRITION, INC., et al.,)
)
 Defendants.)

ORDER FOR CONFIDENTIALITY OF DOCUMENTS

This matter having come before the Court by Joint Motion for Confidentiality of Documents; and the Court having found good cause;

IT IS HEREBY ORDERED AND THUS DOES ORDER THE FOLLOWING:

The Federal Rules of Civil Procedure, the Local Discovery Rules of the United States District Court for the District of Kansas and discovery requests from Plaintiff likely will require Defendants Agresearch, Inc. (“Agresearch”) and ADM Alliance Nutrition, Inc. (“ADM”) to produce certain documents Agresearch and ADM deem to be confidential and proprietary in nature. As a condition to disclosure of these documents, Plaintiff is HEREBY ORDERED to refrain from disclosing or using this information outside this litigation as set forth below:

1. The documents that Agresearch and ADM have designated as reflecting confidential and/or proprietary information shall be legibly stamped or otherwise marked “**CONFIDENTIAL AND/OR PROPRIETARY**” by Agresearch and ADM and shall not be disclosed to anyone, except the following persons: (1) Plaintiff, counsel for Plaintiff, and its staff; (2) Agresearch employees, counsel for Agresearch, and its staff; (3) ADM employees, counsel for ADM, and its staff; and (4) consultants and/or expert witnesses retained by any of

the parties. If any party wishes to introduce such documents into evidence at trial in this proceeding, the provisions of Paragraph 6 shall apply.

2. The parties agree that prior to disclosing any of the confidential and/or proprietary documents to any consultant or expert witness, such consultant or expert witness will be provided with a copy of this Joint Motion and Order and will agree to be bound by its terms as a condition of accepting the documents.

3. The documents produced pursuant to this Joint Motion and Order shall be used only for purposes of this litigation and for no other purpose.

4. If the parties find it necessary to use any of the documents produced, pursuant to this Joint Motion and Order while conducting depositions in this action, the portion of the deposition relating to such documents shall be designated as “confidential and/or proprietary” and shall not be disclosed to anyone other than the persons listed in Paragraph 1 above.

5. Any confidential and/or proprietary discovery materials required to be filed with the Court or included with, or alluded to in, any motions or supporting papers filed with the Court shall, in the event an appropriate motion for leave to file under seal has been filed and granted by the court, be sealed by the Clerk of Court and shall be available for inspection only by the Court and by persons authorized by this Joint Motion and Order to receive such confidential and/or proprietary discovery materials. *See, e.g., Holland v. GMAC Mortg. Corp.*, 2004 WL 1534179, at *2 (D. Kan. June 30, 2004) (setting forth standard for obtaining leave to file documents under seal); *Worford v. City of Topeka*, 2004 WL 316073 (D. Kan. Feb. 17, 2004) (same).

6. If any of the documents produced pursuant to this Joint Motion and Order are

used by any party at trial, the Court, upon appropriate motion being made and granted, shall designate such documents as confidential and/or proprietary, direct that any such documents admitted into evidence be maintained under seal, and direct that any such documents admitted into evidence not be made part of the public record of the trial.

7. Within thirty (30) days of the conclusion of this action, whether by settlement or otherwise, the confidential and/or proprietary documents (and all copies thereof) shall be returned to counsel for Agresearch and ADM. Alternatively, the Plaintiff can certify in a letter to Agresearch's and ADM's counsel that all confidential and/or proprietary documents and copies of all such documents (including those provided to consultants and experts) have been destroyed.

DATED this 11th day of October, 2005, at Topeka, Kansas.

s/K. Gary Sebelius
K. Gary Sebelius
U.S. Magistrate Judge