

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MONARCH CEMENT COMPANY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 06-4003-JAR
)	
ABB, INC., et al.,)	
)	
Defendants.)	

PROTECTIVE ORDER

Pursuant to this Court's authority under Fed. R. Civ. Proc. 26(c), and after considering the parties' Stipulation and Motion for Protective Order, it is accordingly ORDERED, ADJUDGED AND DECREED as follows:

1. In the course of discovery Defendant ABB Inc. and Plaintiff Monarch Cement Co. may produce certain financial documents, internal communications, operations manuals, franchise agreements, organizational charts, contracts, policy and procedure manuals and materials, and other proprietary information.

2. These materials may contain proprietary information including trade secrets, confidential procedures, training material, and copyrighted materials of Defendant ABB Inc. and/or Plaintiff Monarch Cement Co.

3. Financial documents, internal communications, operations manuals, franchise agreements, organizational charts, contracts, policy and procedure manuals and materials, and other proprietary information, and copyrighted materials of Defendant ABB Inc., which are

provided to Plaintiff, and/or Plaintiff's Attorneys, during discovery, will not be transferred or provided to third persons by the Plaintiffs and/or Plaintiff's Attorneys. Such documents may be provided to expert witnesses, who will be bound by the non-disclosure provisions of this order.

4. Any financial documents, internal communications, operations manuals, franchise agreements, organizational charts, contracts, policy and procedure manuals and materials, and other proprietary information, and copyrighted materials of Plaintiff Monarch Cement Co., which are provided to Defendants, and/or Defendant's Attorneys, during discovery, will not be transferred or provided to third persons by the Defendants and/or Defendant's Attorneys. Such documents may be provided to expert witnesses, who will be bound by the non-disclosure provisions of this order.

5. In order to facilitate the production of documents and full disclosure to the parties, all documents produced by the parties shall be deemed to be confidential, that no designation of confidentiality is required, and that the documents need not be stamped as confidential. In the event a party believes that a produced document is not confidential and needs to make public disclosure of the document, counsel for the party shall advise opposing counsel who will, within ten (10) days, either agree that the document is not confidential and that it may be disclosed, or will advise of its position that the document is considered confidential. The parties will endeavor, in good faith, to resolve any disputes regarding confidentiality. If they are unable to do so, the party seeking public disclosure of the document will file appropriate motions with the Court.

6. The provisions of this Order shall not limit the ability of the parties to offer exhibits at trial; provided, however, that the parties reserve the right to seek admission of such documents out of the presence of the public.

IT IS SO ORDERED.

Dated this 13th day of March, 2006 at Topeka, Kansas.

s/K. Gary Sebelius

K. Gary Sebelius
U.S. MAGISTRATE JUDGE