

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

**MARY WEBB, individually,
and in her capacity as
Administratrix of the Estate
of Robert A. Webb,**

Plaintiffs,

v.

Civil Action No. 5:09-cv-1253

**RALEIGH COUNTY SHERIFF'S DEPARTMENT;
RALEIGH COUNTY COMMISSION;
SHERIFF DANNY MOORE, individually and in his
official capacity; CHIEF DEPUTY STEVE TANNER,
individually and in his official capacity;
DEPUTY GREG S. KADE, individually and in his
official capacity; and DEPUTY JOHN E. HAJASH,
individually and in his official capacity,**

Defendants.

**AGREED PROTECTIVE ORDER REGARDING DEPUTY GREG S. KADE'S
TRAINING RECORDS**

By signing this Protective Order the parties have agreed to be bound by its terms as to Defendant, Deputy Greg S. Kade's training records and any and all related records and to request its entry by the Court. It is hereby ORDERED as follows:

1. All training records and any other related records pertaining to Defendant, Deputy Greg S. Kade ("Defendant's Training Records") shall be deemed to be confidential documents and to contain confidential information no matter from whom they are obtained or by whom they are obtained. All information regarding or relating to the training of the Defendant shall be deemed confidential information.

2. Except with the prior written consent of Defendant, Deputy Greg S. Kade's counsel, no confidential information or document and no information contained therein may be disclosed to any person other than the following:

- a. Parties to this action;
- b. Counsel for parties and secretaries, legal assistants, and other employees of such counsel who are actively engaged in assisting counseling in the preparation of this action;
- c. Consultants and experts retained by parties or their counsel for the purpose of assisting in the preparation of the trial of this action;
- d. Insurance carriers with an interest in the litigation; or
- e. Court reporters and Court personnel.

3. Specifically Precluded Uses.

a. It is specifically understood and agreed that no confidential documents and information shall be used/disclosed for or to ISO (f/k/a Insurance Services Office, Inc.) or any database, index or similar compilation maintained by any person or entity. It is specifically understood and agreed, however, that the foregoing shall not prohibit Plaintiffs or Defendants or their attorney from summarizing or compiling Defendant, Deputy Greg S. Kade's training records, reports, evaluations for use in this case only.

b. It is specifically agreed and understood that confidential documents are not to be electronically mailed or disseminated to individuals outside of counsel for the parties and the party's insurance carrier.

4. Acknowledgment Requirement: In order to protect Defendants Training Records under this Order, any counsel, employee of Plaintiff, or agent, or employee of any recipient who intends to disclose Defendant's Training Records to anyone other than Plaintiff or Defendants, or their attorneys, insurance carriers or employees ("Others"), for substantive purposes, shall first provide such Others a complete copy of this Order and shall obtain such Others a signed Acknowledgment of the requirements of this Order in form attached as Exhibit "A". A signed Acknowledgment is not required for disclosure to the court, Court reporters, mediators, arbitrator, or jury as related to any case, claim, or proceeding arising out of the Subject Accident.

5. Procedures for Filing Defendant's Training Records: This Order requires the sealing of Defendant's Training Records. In the event that anyone intend to file or disclose Defendant's Training Records in any public filing, they shall submit Defendant's Training Records to the Court in sealed envelopes on which shall be endorsed the caption of this action, an indication of the nature of the contents of the sealed envelope, the word "confidential", and a statement substantially in the following form:

THIS ENVELOPE IS SEALED PURSUANT TO ORDER OF THE COURT,
CONTAINS CONFIDENTIAL INFORMATION, AND IS NOT TO BE
OPENED NOR THE CONTENTS REVEALED EXCEPT BY ORDER OF
THE COURT.

6. Use of Defendant's Training Records at Trial. Subject to the rules of evidence that would otherwise be applied by this Court, Defendant's Training Records may be offered in evidence or offered as exhibits in trial or hearings before the Court. Any party to this action may move the Court for an Order that the evidence be received in camera or under other conditions to prevent unnecessary disclosure. The Court will then determine whether the proffered documents or

information should be contained to be treated as confidential information and may imposed restrictions to protect the documents or information.

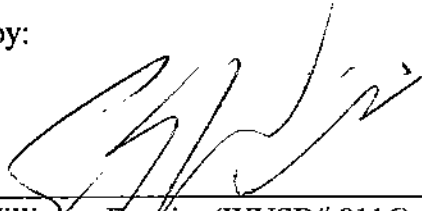
7. Return or Destruction of All Copies: Within ninety (90) days after the final conclusion of the above-captioned case by fully executed settlement agreement, filed conclusion of the above-captioned case by fully-executed settlement agreement, filed stipulation of dismissal with prejudice, or final judgment (i.e., a judgment as to which the time for appeal has run), Plaintiffs, at their counsel's option, shall either return to the Defendant, Deputy Greg S. Kade's counsel or destroy all copies of Defendant's Training Records. Counsel for Plaintiff shall provide written confirmation to Defendant's counsel that counsel for Plaintiff has destroyed and/or returned all copies of Defendant's Training Records, and made a good faith effort to confirm that others have destroyed all copies of Defendant's Training Records. Counsel for the Defendant shall advise counsel via correspondence of the specific date when the 90 day period referenced above begins.

The Clerk is directed to forward a certified copy of this Order to counsel of record whose addresses appear below.

ENTERED: _____

Judge

Prepared by:

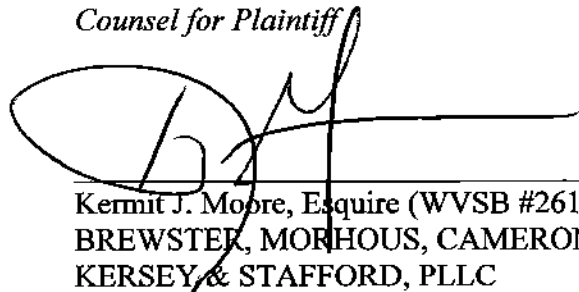


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Agreed to by:



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Counsel for Deputy John E. Hajash

EXHIBIT "A"

ACKNOWLEDGMENT OF AGREED PROTECTIVE ORDER
REGARDING DEFENDANT, DEPUTY GREG S. KADE'S
TRAINING RECORDS

I have read and I understand the Agreed Protective Order Regarding Defendant Deputy Greg S. Kade's Training Records regarding the use and disclosure of Defendant's Training Records. I understand that I (and my agents and employees) am/are bound to comply with the terms of the Order.

Name: _____

Company Name: _____

Address: _____

Telephone Number: _____

DATED: _____

Signature