



## AlaFile E-Notice

01-CV-2015-900190.00

Judge: CAROLE C. SMITHERMAN

To: NEWSOME BURTON WHEELER  
burt@newsomelawllc.com

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# NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

BURT W NEWSOME ET AL V. CLARK ANDREW COOPER ET AL  
01-CV-2015-900190.00

The following matter was FILED on 5/9/2017 4:32:49 PM

**D002 BALCH & BINGHAM LLP**

**D001 COOPER CLARK ANDREW**

MOTION FOR PROTECTIVE ORDER

[Filer: BAKER SCHUYLER ALLEN JR.]

Notice Date: 5/9/2017 4:32:49 PM

ANNE-MARIE ADAMS  
CIRCUIT COURT CLERK  
JEFFERSON COUNTY, ALABAMA  
JEFFERSON COUNTY, ALABAMA  
716 N. RICHARD ARRINGTON BLVD.  
BIRMINGHAM, AL, 35203

205-325-5355  
anne-marie.adams@alacourt.gov



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CIRCUIT COURT OF  
JEFFERSON COUNTY, ALABAMA  
ANNE-MARIE ADAMS, CLERK

**STATE OF ALABAMA**

Revised 3/5/08

**Cas**

Unified Judicial System

01-JEFFERSON

 District Court
  Circuit Court

CV2

BURT W NEWSOME ET AL V. CLARK ANDREW  
COOPER ET AL

**CIVIL MOTION COVER SHEET**

Name of Filing Party: D001 - COOPER CLARK ANDREW  
D002 - BALCH & BINGHAM LLP

Name, Address, and Telephone No. of Attorney or Party. If Not Represented.

SCHUYLER ALLEN BAKER JR.

P.O. BOX 306

BIRMINGHAM, AL 35201

Attorney Bar No.: BAK011

 Oral Arguments Requested
**TYPE OF MOTION****Motions Requiring Fee**

- Default Judgment (\$50.00)  
Joinder in Other Party's Dispositive Motion  
(i.e. Summary Judgment, Judgment on the Pleadings,  
or other Dispositive Motion not pursuant to Rule 12(b))  
(\$50.00)
- Judgment on the Pleadings (\$50.00)
- Motion to Dismiss, or in the Alternative  
Summary Judgment (\$50.00)  
Renewed Dispositive Motion (Summary  
Judgment, Judgment on the Pleadings, or other  
Dispositive Motion not pursuant to Rule 12(b)) (\$50.00)
- Summary Judgment pursuant to Rule 56 (\$50.00)
- Motion to Intervene (\$297.00)
- Other \_\_\_\_\_  
pursuant to Rule \_\_\_\_\_ (\$50.00)

\*Motion fees are enumerated in §12-19-71(a). Fees  
pursuant to Local Act are not included. Please contact the  
Clerk of the Court regarding applicable local fees.

Local Court Costs \$ 0 \_\_\_\_\_

**Motions Not Requiring Fee**

- Add Party
- Amend
- Change of Venue/Transfer
- Compel
- Consolidation
- Continue
- Deposition
- Designate a Mediator
- Judgment as a Matter of Law (during Trial)
- Disburse Funds
- Extension of Time
- In Limine
- Joinder
- More Definite Statement
- Motion to Dismiss pursuant to Rule 12(b)
- New Trial
- Objection of Exemptions Claimed
- Pendente Lite
- Plaintiff's Motion to Dismiss
- Preliminary Injunction
- Protective Order
- Quash
- Release from Stay of Execution
- Sanctions
- Sever
- Special Practice in Alabama
- Stay
- Strike
- Supplement to Pending Motion
- Vacate or Modify
- Withdraw
- Other \_\_\_\_\_  
pursuant to Rule \_\_\_\_\_ (Subject to Filing Fee)

Check here if you have filed or are filing contemporaneously  
with this motion an Affidavit of Substantial Hardship or if you  
are filing on behalf of an agency or department of the State,  
county, or municipal government. (Pursuant to §6-5-1 Code  
of Alabama (1975), governmental entities are exempt from  
prepayment of filing fees)

Date:  
5/9/2017 4:29:18 PM

Signature of Attorney or Party  
/s/ SCHUYLER ALLEN BAKER JR.

\*This Cover Sheet must be completed and submitted to the Clerk of Court upon the filing of any motion. Each motion should contain a separate Cover Sheet.

\*\*Motions titled 'Motion to Dismiss' that are not pursuant to Rule 12(b) and are in fact Motions for Summary Judgments are subject to filing fee.



**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA**

**BURT W. NEWSOME; and NEWSOME  
LAW, LLC** )

**Plaintiffs,** )

**v.** )

**CLARK ANDREW COOPER; BALCH &  
BINGHAM, LLP; JOHN W. BULLOCK,  
JR.: CLAIBORNE PORTER SEIER;** )

Fictitious Defendants 1-4 being the true and )  
correct names of the named Defendants; )  
Fictitious Defendants 5-15 being those )  
individuals and/or entities who conspired with )  
any of the named Defendants in the commission )  
of the wrongs alleged herein and whose true and )  
correct identities are currently unknown but will )  
be substituted upon discovery; Fictitious )  
Defendants 16- 26 being those individuals )  
and/or entities who participated in or otherwise )  
committed any of the wrongs alleged herein and )  
whose true and correct identities are currently )  
unknown but will be substituted upon )  
discovery) )

**Defendants.** )

**CASE NO.: 01-CV-2015-900190.00**

**DEFENDANT BALCH & BINGHAM, LLP'S AND CLARK ANDREW COOPER'S  
MOTION FOR A PROTECTIVE ORDER**

Defendant Balch and Bingham ("Balch") respectfully move this Court for a Protective Order and in support states as follows:

1. On April 7, 2016, Plaintiff emailed a deposition notice including a list of deposition topics for Balch's 30(b)(6) deposition.

2. On April 17, 2017, Balch objected to these topics as required by Ala. R. Civ. Proc. 30(b)(5). (Doc. 835).

3. Plaintiff requested Balch to produce confidential business information and documents that should be protected and not used by any party for any purpose outside of counsel's pursuit of the subject litigation.

4. For example, Plaintiff requested the personnel file of Clark Cooper. *See* Exhibit A ¶¶ 4, 5, 16, 24. The personnel file and any documents related to Mr. Cooper's resignation from Balch are confidential to Balch and to Cooper. Due to the sensitive nature of an employee's personnel file, all deposition testimony obtained by Plaintiff should be protected and kept confidential among counsel and/or parties to this action.

5. An employee's personnel file and its contents may be viewed by counsel at the deposition of Clark Cooper and Balch but copies should not be taken from or made from the deposition, or made exhibits thereto. *See Ex Parte Aramark Management Services Limited Partnership*, CV-12-901702, No. 2130564 (Ala. Civ. App. 2014) (holding that a document request for a personnel file that is overbroad and containing irrelevant documents should be subject to a protective order).

6. Plaintiff also requested the "Gross Revenue of Balch & Bingham, LLP's Creditor Rights and Bankruptcy division" for 2010 – 2016. *See* Exhibit A, ¶ 23. Balch objected to this request as overbroad and irrelevant as being unrelated to the subject matter in this action.

7. Plaintiff has demonstrated his willingness to cooperate with a consumer advocacy organization, "Consejo de Latinos Unidos" ("CDLU"), that is falsely claiming that Balch "cooked up" Newsome's arrest charges."<sup>1</sup> A photograph of Mr. Newsome's children is published

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<sup>1</sup> [https://www.change.org/p/balch-bingham-end-your-ruining-a-rival-mentality-from-1961?recruiter=699970784&utm\\_source=share\\_petition&utm\\_medium=copylink](https://www.change.org/p/balch-bingham-end-your-ruining-a-rival-mentality-from-1961?recruiter=699970784&utm_source=share_petition&utm_medium=copylink).

on the website. *See* Exhibit B. This is a blatant attempt to improperly influence and poison a potential jury pool for the trial of this case.

8. Because of Plaintiff's connection and involvement (present and future) with the CDLU, Balch moves the Court to enter a protective order prohibiting any misuse of information, including sharing, distributing, or communicating **in any manner**, all information obtained by Plaintiff through deposition testimony and through document requests in connection with the noticed depositions for any purpose other than the prosecution of this case. Further, Defendants request that any documents or information provided to Plaintiff be kept confidential by Mr. Brooks and his client and used **only** for the purpose of the subject litigation.

9. Balch and Cooper request that information obtained in their depositions, and the exhibits that are attached thereto, be used only in this lawsuit and not elsewhere.

10. A proposed protective order is attached at Exhibit C.

Respectfully submitted this 9th day of May, 2017.

/s/ S. Allen Baker Jr.

One of the Attorneys for Clark Cooper and Balch & Bingham LLP

**OF COUNSEL:**

S. Allen Baker Jr.  
Katherine R. Clements  
BALCH & BINGHAM LLP  
1901 Sixth Avenue North  
Suite 1500  
Birmingham, AL 35203

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Attached at Exhibit B is a copy of the article/petition published on the website which contains a picture of Burt W. Newsome's children under a caption reading "Our father was targeted, arrested, and defamed. Help us fight back! Sign the Petition." What follows is a petition at <http://BanBalch.com>, soliciting people to sign a petition to ban the law firm of Balch and Bingham from soliciting the United States Administration.

Telephone: (205) 226-3416  
Telephone: (205) 226-8734  
Facsimile: (205) 488-5880  
Facsimile: (205) 488-5711  
E-mail: [abaker@balch.com](mailto:abaker@balch.com)  
E-mail: kclements@balch.com

**CERTIFICATE OF SERVICE**

I hereby certify that on May 9th, 2017 I filed a copy of the foregoing with the Clerk of the Court using the Alafire/E-File System which will automatically generate service on all parties to this action.

*/s/ S. Allen Baker, Jr.*

\_\_\_\_\_  
OF COUNSEL



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CIRCUIT COURT OF  
JEFFERSON COUNTY, ALABAMA  
ANNE-MARIE ADAMS, CLERK

# Exhibit A

IN THE CIRCUIT COURT OF  
JEFFERSON COUNTY, ALABAMA

<b>BURT W. NEWSOME; and</b>	)	
<b>NEWSOME LAW, LLC,</b>	)	
	)	
<i>Plaintiffs,</i>	)	
<b>vs.</b>	)	<b>CASE NO. CV-2015-900190</b>
	)	
<b>CLARK ANDREW COOPER, et al.,</b>	)	
	)	
<i>Defendants.</i>	)	

**NOTICE OF TAKING DEPOSITION**

Pursuant to rule 30(b)(6), Ala. R. Civ. P., the plaintiffs hereby give notice that they will take the deposition the defendant **BALCH & BINGHAM, LLP**, by oral examination on May 2, 2017, beginning at 9A.M., in the Law Offices of Newsome Law, LLC, 194 Narrows Drive, Suite 103, Birmingham, Alabama 35242 upon the following subjects:

1. The allegations of the plaintiffs' complaint, as amended.
2. The allegations of the answer and counterclaim of Balch & Bingham, LLP, as amended.
3. The relationship between defendant Clark Andrew Cooper and Balch & Bingham, LLP from January 1, 2010, until the time of the deposition.
4. Any contract, letter, or other document defining the relationship between defendant Clark Andrew Cooper and Balch & Bingham, LLP, from January 1, 2010, until the time of the deposition.
5. Any contract, letter, or other document terminating the relationship between defendant Clark Andrew Cooper and Balch & Bingham, LLP.



6. Whether the conduct of Clark Andrew Cooper, as described in the plaintiffs' complaint, was any part of the reason for the termination of the relationship between Clark Andrew Cooper and Balch & Bingham, LLP.
7. The names and addresses of all clients of the plaintiffs who were solicited by Balch & Bingham LLP, or any of its employees or partners (including but not limited to Clark Andrew Cooper) at any time from January 1, 2010, until the time of the deposition.
8. Any written document defining or describing the policy or practice of the defendant Balch & Bingham, LLP, concerning the solicitation of clients then represented by other attorneys not affiliated with it.
9. The date and time that Balch & Bingham LLP, or any of its employees or partners (including but not limited to Clark Andrew Cooper) first learned that Burt W. Newsome had been charged with menacing, and the manner in which it learned such information.
10. The date and time that Balch & Bingham LLP, or any of its employees or partners (including but not limited to Clark Andrew Cooper) first learned that Burt W. Newsome had been arrested for menacing, and the manner in which it learned such information.
11. The name and address of each person or entity that Balch & Bingham, LLP, or any of its employees or partners (including but not limited to Clark Andrew Cooper) has notified or communicated to that Burt W. Newsome had been arrested for menacing, and the date, time, manner, and reason for each such notification or communication.
12. The name and address of each person or entity that Balch & Bingham, LLP, or any of its employees or partners (including but not limited to Clark Andrew Cooper) has notified, communicated to, suggested to, or implied to that Burt W Newsome was guilty of

menacing, and the date, time, manner, and reason for each such notification, communication, suggestion, or implication.

13. The name and address of each person or entity that Balch & Bingham, LLP, or any of its employees or partners (including but not limited to Clark Andrew Cooper) has notified, communicated to, suggested to, or implied to in any manner whatsoever that Burt W. Newsome's license to practice law would be affected by his arrest for menacing, and the date, time, manner, and reason for each such notification, communication, suggestion, or implication.
14. The name and address of each person or entity that Balch & Bingham LLP, or any of its employees or partners (including but not limited to Clark Andrew Cooper) has notified, communicated to, suggested to, or implied to in any manner whatsoever that Burt W. Newsome violated the Alabama Rules of Professional Conduct in the incident with John Bullock on December 19, 2012.
15. The name and address of each person or entity to which Balch & Bingham, LLP, or any of its employees or partners (including but not limited to Clark Andrew Cooper) has sent, mailed, emailed, or delivered a copy of the mugshot of Burt W. Newsome taken in connection with his arrest for menacing, and the date, time, manner, and reason for each such action or notification,
16. Any investigation made by the defendant Balch & Bingham, LLP, into the truthfulness of the allegations in the plaintiffs' complaint and any report (written or oral) of such investigation.
17. Whether Balch & Bingham, LLP, has learned, discovered, or has reason to believe that any statement made by Clark Andrew Cooper in his affidavits in this case is false or untruthful.

18. Whether Balch & Bingham, LLP, has learned, discovered, or has reason to believe that Clark Andrew Cooper knew John Bullock on or before December 19, 2012.
19. Whether Balch & Bingham, LLP, has learned, discovered, or has reason to believe that Clark Andrew Cooper communicated with John Bullock, Claiborne Seier and/or any relatives of Claiborne Seier by either blood or marriage about Burt W. Newsome within the eighteen monthsr preceding January 14, 2013.
20. All contacts, communications, correspondence, or emails between any representative of Balch & Bingham, LLP, and any non-party to whom the plaintiffs filed a Notice of Intent to serve a subpoena for telephone records.
21. Whether Balch & Bingham, LLP, has ever represented the defendant John Bullock or anyone related to him by blood or marriage, and if so, when.
22. Whether Balch & Bingham, LLP, has ever represented the defendant Claiborne P. Seier or anyone related to him by blood or marriage and if so, when.
23. The Gross Revenue of Balch & Bingham, LLP's Creditor Rights and Bankruptcy division for the years 2010, 2011, 2012, 2013, 2014, 2015 and 2016.
24. The entire personnel file of Clark Andrew Cooper at Balch & Bingham, LLP.
25. Whether or not Clark Andrew Cooper has ever been disciplined for misconduct and/or any other reason during the time of his employment at Balch & Bingham, LLP.
26. Whether or not Clark Andrew Cooper was disciplined for breaching his fiduciary duty by violating the terms of an Education Trust that he was a Co-Trustee of by Balch & Bingham, LLP.

27. Whether or not Clark Andrew Cooper was not allowed to appear in Court on behalf of any clients of Balch & Bingham, LLP at any time during his employment at Balch & Bingham, LLP.
28. Whether or not Clark Andrew Cooper was tracking the cases of Burt W. Newsome and/or Newsome Law, LLC on AlaCourt and contacting his clients any time Newsome and/or Newsome Law, LLC filed a lawsuit on behalf of one of its clients.
29. Whether or not Clark Andrew Cooper has ever violated the Alabama Rules of Professional Conduct.
30. The internal policies and procedures of Balch & Bingham, LLP when one of its employees violates the Alabama Rules of Professional Conduct.

Pursuant to rule 30(b)(5), Ala. R. Civ. P., the plaintiffs request that **BALCH & BINGHAM, LLP**, produce the documents described in paragraphs 4 through 30 above for inspection and copying immediately before, during, and after the deposition.

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of this document on the following counsel of record by electronic filing and by mailing a copy first-class U.S mail, postage prepaid:

Katherine R. Clements  
S. Allen Baker, Jr.  
Balch & Bingham  
1901 Sixth Avenue North #1500  
Birmingham, AL 35203

Joel P. Watson  
James Hill, Jr.  
Hill, Weisskopf & Hill  
Moody Professional Building  
2603 Moody Parkway, Suite 200  
Moody, AL 35004

Robert Ronnlund  
P. O. Box 380548  
Birmingham, AL 35238

on this the 30th day of March, 2017.

**/s/ Charles I. Brooks**  
Charles I. Brooks

cc: Freedom Court Reporting



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CIRCUIT COURT OF  
JEFFERSON COUNTY, ALABAMA  
ANNE-MARIE ADAMS, CLERK

# Exhibit B

**David Miceli**  
Executive Director

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• **M. Stanford Blanton**  
Managing Partner

## End Balch & Bingham's "Ruining a Rival" Mentality from 1961



[Consejo de Latinos Unidos](#)

**Our father was targeted, arrested, and defamed. Help us fight back!  
Sign the petition!**





## [Consejo de Latinos Unidos](#)

19

Supporters

We need to defend Civil Rights. Burt Newsome, a small-town attorney and father of four, was targeted, falsely arrested, and defamed.

Shortly after his false arrest, a partner at Balch & Bingham, a prestigious law firm in Birmingham with deep ties to U.S. Attorney General Jeff Sessions and the Trump Administration, emailed (on a Saturday afternoon) Newsome's mug shot and cooked-up arrest charges to one or more of Newsome's clients. (See more details at <http://BanBalch.com>)

Balch's partner defended his actions against Newsome by citing a 1961 Alabama Supreme Court decision saying businesses could engage in "ruining a rival." That may have been the prevailing opinion in 1961 (as was support for racial segregation) but it has no place in 2017.

The bogus criminal case against Newsome collapsed and was tossed out, but the damage against his reputation was done.

We want Balch to conduct a "top-to-bottom" review of their treatment of competitors and hold any spoiled apples inside the firm accountable.

Our hope is that Balch will start by focusing on their clients rather than their competitors. Balch talks about their commitment to "mutual cooperation and openness and professionalism" and we hope that is true, and that they will resolve the entanglements with competitors like Newsome immediately.

Defend Civil Rights today! Sign the petition.

### **This petition will be delivered to:**

- **Executive Director**  
David Miceli
- **Managing Partner**  
M. Stanford Blanton

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**Read the letter**

Letter to

**Executive Director** David Miceli

**Managing Partner** M. Stanford Blanton

Balch & Bingham: End your "Ruining a Rival" Mentality from 1961, now, today, this very moment.

We must defend the Civil Rights of those who have been wrongly abused.

Balch talks about their commitment to "mutual cooperation and openness and professionalism" And we hope that is true.

What happened to Burt Newsome is an injustice. Please correct the wrong and bring needed changes to your firm.

**OK**

**Consejo de Latinos Unidos** started this petition with a single signature, and now has 19 supporters. Start a petition today to change something you care about.





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JEFFERSON COUNTY, ALABAMA  
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# Exhibit C

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

**BURT W. NEWSOME; and NEWSOME  
LAW, LLC** )

**Plaintiffs,** )

**v.** )

**CLARK ANDREW COOPER; BALCH &  
BINGHAM, LLP; JOHN W. BULLOCK,  
JR.: CLAIBORNE PORTER SEIER;** )

Fictitious Defendants 1-4 being the true and )  
correct names of the named Defendants; )  
Fictitious Defendants 5-15 being those )  
individuals and/or entities who conspired with )  
any of the named Defendants in the commission )  
of the wrongs alleged herein and whose true and )  
correct identities are currently unknown but will )  
be substituted upon discovery; Fictitious )  
Defendants 16- 26 being those individuals )  
and/or entities who participated in or otherwise )  
committed any of the wrongs alleged herein and )  
whose true and correct identities are currently )  
unknown but will be substituted upon )  
discovery) )

**CASE NO.: 01-CV-2015-900190.00**

**Defendants.** )

**[PROPOSED] PROTECTIVE ORDER**

This Protective Order is issued to facilitate deposition testimony and document disclosure and production under the Alabama Rules of Civil Procedure by Plaintiff, Defendants, and third parties. Unless modified in accordance with the terms contained in this Order, this Order will remain in effect until superseded or terminated by consent of the parties or by Order of the Court made upon reasonable written notice.

In support of this Order, the Court finds as follows:

1. Documents or information containing confidential proprietary and business information (“ Confidential Information” as defined below) that bear significantly on the parties’ claims or defenses is likely to be disclosed or produced during the parties’ depositions in this litigation.

2. The parties to this litigation may assert that public dissemination or disclosure to the opposing party of Confidential could severely injure or damage the party disclosing or producing this information.

3. To protect the respective interests of the parties and to facilitate the progress of disclosure and discovery in the case, the following Order is hereby issued:

IT IS THEREFORE ORDERED AS FOLLOWS:

1. **Applicability of Order.** This Protective Order governs the use and handling of deposition testimony of the parties and the documents that are introduced exhibits and/or produced in response to the deposition notices in connection with this Action. This information will be referred to as “Discovery Material” throughout this Order.

2. **Scope of Order.** Discovery Material and deposition testimony cannot be disclosed to any person except as allowed by the terms of this Protective Order. Discovery Material may only be used for the purposes of prosecuting or defending the Action and not for any other purpose, including any competitive purpose. Nothing in this Protective Order is to be construed to expand or limit the parties’ discovery obligations. Nothing in this Protective Order limits or restricts a party’ s right to use any information properly and lawfully obtained independent of discovery in this Action, whether or not the document, material, or information is also obtained through discovery in the Action.

3. **Confidential Information.** “Confidential Information” includes any Discovery Material that is not in the public domain and that discloses confidential, personal, financial, proprietary, technical, strategic, research, development, employee, business-related or commercially-sensitive information including a personnel file and its contents. Confidential Information includes all documents entered as deposition exhibits and any documents produced during depositions. Confidential Information does not include previously exchanged discovery produced prior to the date of this Order.

4. **Personnel File.** An employee’s personnel file and its contents may be viewed by counsel at the deposition of Clark Cooper and Balch but copies of it may not be taken from or made from the deposition, and/or made exhibits thereto.

5. **Persons Authorized to Receive Confidential Information.** Confidential Information may be disclosed, summarized, characterized, described or otherwise communicated only to the following persons:

- a. The Court and its personnel;
- b. Court reporters or other persons involved in taking, transcribing, or videotaping depositions, hearing, or trial in this Action;
- c. The parties, and any employees and inside counsel of the parties to whom it is necessary to disclose Confidential Information for the purposes of the Action, or who are directly involved in the management, prosecution, defense, or settlement of the Action or the supervision of outside counsel;
- d. Any other person as to whom the party or non-party producing the Confidential Information has consented to disclosure in advance and in writing, on notice to every other party; and

- e. Any other person expressly named and agreed to in writing by the parties or by further Order of the Court.

6. **Use of Confidential Information During Depositions:** Confidential Information shown to any witness during a deposition does not lose its confidential status through such use, and counsel must exercise their best efforts and take all steps reasonably required to protect its confidentiality during such use.

7. **Confidential Information Offered as Evidence at Trial or During a Hearing.** Confidential Information may be offered in evidence at trial or any court hearing. Any party 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 evidence should continue to be treated as confidential and, if so, what protection, if any, may be afforded to such Discovery Materials or information at trial or during the hearing.

8. **Right to use own information.** Discovery Material subject to the terms of this Protective Order may be used only for the purposes of this Action; and cannot be used for any business, competitive, or other legal purpose or function and in particular cannot be posted on any publicly available website; and cannot be disclosed to anyone except as expressly permitted herein. However, nothing contained in this Protective Order applies to any designating party's handling of its own Confidential Information that has been designated as such solely by that party.

9. **Protective Order Remains in Effect.** This Protective Order is binding on all parties to this Action and on all non-parties who have agreed in writing to do so. This Protective Order will remain in force until modified, superseded, or terminated by consent of the parties or by Order of the Court made upon reasonable written notice. Unless otherwise ordered or agreed

upon by the parties, this Protective Order will survive the termination of this Action (including any appellate proceedings). The Court retains jurisdiction even after termination of this Action to enforce this Protective Order and to make amendments, modifications, deletions, and additions to this Protective Order as the Court may deem appropriate.

10. **No Prejudice for Further Relief.** Nothing in this Protective Order prejudices the ability of any party to seek other or further relief from the Court.

11. **Violations of the Protective Order.** In the event that any person or party should violate the terms of this Protective Order, the aggrieved Designating Party may apply to the Court to obtain relief against any such person or party violating or threatening to violate any of the terms of this Protective Order. In the event that the aggrieved Designating Party seeks injunctive relief, it must petition this Court for such relief, which may be granted at the sole discretion of the Court.

12. Nothing in this Order shall prohibit any party or their counsel from using or introducing into the record, publicly available information in any deposition, trial, or hearing.

It is **SO ORDERED** this the 9th day of May, 2017.

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**JUDGE CAROLE SMITHERMAN**  
CIRCUIT COURT JUDGE