

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**THOMAS C. McINTOSH and
PAMELA McINTOSH**

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 1:06cv1080-LTS-RHW

**STATE FARM FIRE AND CASUALTY
INSURANCE COMPANY, *et al.***

DEFENDANTS

ORDER

Before the Court is [603] motion filed by Defendant Forensic Analysis & Engineering Corp. (Forensic) seeking a protective order prohibiting dissemination of information, exclusion of evidence and imposition of sanctions upon Plaintiffs and or their counsel arising out of the undisclosed service of a subpoena duces tecum by Plaintiffs' counsel upon Forensic employee Nellie Williams, and [605] motion for expedited hearing on motion [603]. The Court having reviewed the matter, finds the circumstances involved warrant entry of an interim order pending full briefing on the motion for protective order.

The docket in this case reflects no notice of intent to issue a subpoena duces tecum to Williams, nor proof of service of any such subpoena. However, it appears clear that Plaintiffs' counsel have obtained information from Williams pursuant to such a subpoena duces tecum, unbeknownst to Forensic until October 3, 2007, when Forensic received correspondence dated October 1, 2007 from Plaintiffs' attorney Derek Wyatt, offering Forensic (for a price) a reproduction of the hard drive of Ms. Williams' computer. The Court therefore finds the best course of action, in the interest of justice, is to enter the following interim order pending full briefing of Forensic's motion. It is therefore:

ORDERED AND ADJUDGED:

1. That dissemination of, or use or reference to, any information obtained from Ms. Williams' computer is **prohibited** pending further order of this Court;
2. That Plaintiffs' counsel shall email to the Court's Chambers immediately upon receipt of this order the names and addresses of every person and/or entity to whom any such information has already been disseminated, and exactly when the information was provided to said person and/or entity. The identities, addresses and dates of dissemination shall be provided to the Court **no later than 2:00 p.m. today, October 9, 2007**;
3. That Plaintiffs' counsel shall provide a copy of this order to any such person and/or entity to whom any of the information has been disseminated. Counsel shall advise such persons/entities to abide by the terms of this order, and counsel shall retrieve any and all forms and copies of said information from such person/entity insofar as possible.
4. That Plaintiffs' counsel shall immediately upon receipt of this order, place all information, which exists in any form whatsoever (including any and all copies and the hard drive itself), which came from Williams' computer into a sealed container which shall not be opened for any purpose pending further order of this Court. The seal on the container shall be marked with the date, time and name of the person sealing the information in said container.

SO ORDERED, this the 9th day of October, 2007.

/s/ Robert H. Walker

ROBERT H. WALKER
UNITED STATES MAGISTRATE JUDGE