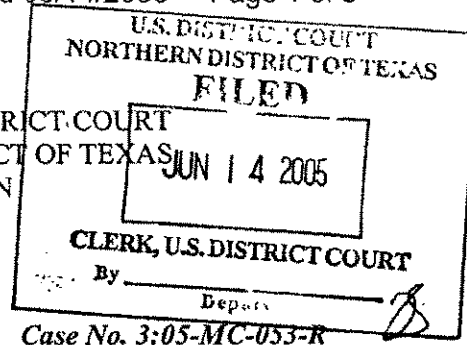


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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



Tammy Kitzmiller, et al.
Plaintiffs,

v.

Dover Area School District, et al.
Defendants,

**Foundation For Thought And Ethics,
and Jon A. Buell,**
Interested Parties.

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[related to Civil Action No. 04-CV-2688
pending in the United States District Court
for the Middle District of Pennsylvania]

ORDER

On June 6, 2005 came on for hearing the **Non-Parties Foundation For Thought And Ethics And Jon A. Buell's Motion For A Protective Order And/Or To Quash Subpoenas And Brief In Support.** Plaintiffs and the Non-Parties appeared by counsel and announced ready. The Court, having reviewed the pleadings and affidavits on file and having heard the argument of counsel, and Plaintiffs having represented their request does not seek membership or financial information and that they have no objection to the redaction of membership and financial information on the documents specifically requested or the entry of a protective order addressing confidentiality issues, the Court finds that the motion should be denied, subject to the following:

It Is Accordingly Ordered That:

1. Non-Parties need not produce any membership lists, financial documents, routine form purchase orders, order forms and collection letters.
2. Non-Parties may redact name and address information of members or contributors that may appear on the documents produced.

3. Non-Parties may redact financial information on the documents produced.

4. In the event that the Non-Parties in good faith believe that any document produced is confidential, they may stamp each such page with a stamp stating "Confidential."

5. With respect to documents produced which have been stamped "Confidential:"

- a. Plaintiffs' counsel shall not disclose the document to any person, except counsel for the Dover Area School District, a legal or expert consultant assisting Plaintiff's counsel in this case who has been shown a copy of this Order and acknowledged receipt of the Order in writing;
- b. Prior to disclosure of the document to an authorized person, other than counsel for the Dover Area School District, Plaintiffs' counsel shall provide five days telephone and e-mail notice to Non-Parties' counsel of the identity of the person to whom disclosure will be made.
- c. No person who receives or reviews all or any portion of the document shall quote it, comment on it, or critique it, except in communications between themselves and Plaintiffs' counsel's, consultants, or in testimony in the Dover case.
- d. Any deposition exhibits or transcripts quoting from or containing the document shall be kept confidential and shall not be disclosed to any persons other than those participating in the Dover case.
- e. Any court filings quoting from or containing the document draft shall be filed under seal.

f. These restrictions shall remain in place until after the entry of judgment in the Dover case.

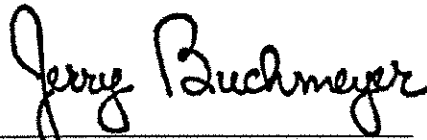
g. After judgment and the exhausting of all appeals in the Dover case, Plaintiffs shall, upon the written request of the Non-Parties, either destroy or return to the Non-Parties at their expense, the documents designated "Confidential" and produced pursuant to this Order.

6. Non-Parties shall use their best efforts to produce the subpoenaed documents on or before June 20th and shall produce all such documents on or before June 30th 2005.

7. Mr. Buell shall appear for his deposition on July 8th at 9:00 a.m. or such earlier date as the parties may agree.

8. All relief not granted herein is denied.

Signed this 14th day of June 2005



Jerry Buchmeyer
Senior United States District Judge
Northern District Of Texas