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†† RETIRED JUDGE
UNITED STATES DISTRICT COURT,
NORTHERN DISTRICT

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** ALSO LICENSED IN DISTRICT OF COLUMBIA

*** ALSO LICENSED IN DISTRICT OF COLUMBIA
AND TEXAS

June 17, 2009

VIA FACSIMILE & U.S. MAIL

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State of Alabama Personnel Department
300 Folsom Administrative Building
Montgomery, AL 36130

Re: *Ruth A. Gwin, et al. v. Nationwide Life Insurance Company, et al.*
Case No.: CV-07-4052

Dear Ladies and Gentlemen:

I am writing to put you on notice in your official capacity as a member of the State of Alabama Personnel Board that Judge Bryan issued yesterday the attached Order in the above-styled lawsuit. I direct your attention in particular to the fourth paragraph wherein the Court states that "It is further Ordered, Adjudged, and Decreed that pending a hearing **all parties including the State of Alabama** shall be bound by previous discovery orders. The court will take appropriate action concerning the violation of any order" (emphasis added).

As the Court stated in its Order, it "has allowed the State to participate [in the case] pending a final ruling on the State's Motion to Intervene and has bound the State to the provisions of all protective orders." In fact, Plaintiffs in this case provided to the State confidential documents produced by the Defendants on the basis that the State was bound by the protective order. Given the Personnel Board's affinity for placing documents relating to this case on its website, I strongly urge the Board to place the attached Order on the Personnel Board's website to insure that all are aware of the Order

June 17, 2009

Page 2

and that confidential documents subject to the protective order are not inadvertently disclosed in violation of the Court's Order.

Yours very truly,

A handwritten signature in black ink that reads "J. Mark White". The signature is written in a cursive style with a large, prominent "J" and "W".

J. Mark White, Esq.

JMW/bjc

Attachment

cc: Judge Howard Bryan
Joseph C. Espy, III, Esq.
Sharon B. Stuart, Esq.
James S. Christie, Jr., Esq.
Larry Childs, Esq.
Alice Ann Byrne, Esq.

