

DATE: NOVEMBER 27, 2019

TIME: 16:21:24

**IN THE CIRCUIT COURT OF INDEPEDENCE COUNTY, ARKANSAS
DOMESTIC RELATIONS, 2ND DIVISION**

LUDEN ALEXIS ROBERTS

PLAINTIFF

VS.

NO. 32DR-2019-187

ROBERT HUNTER BIDEN

DEFENDANT

MOTION FOR MUTUAL PROTECTIVE ORDER AND INCORPORATED BRIEF

COMES NOW the Defendant, Robert Hunter Biden, by and through his counsel, and for his Motion for Mutual Protective Order and Incorporated Brief, states as follows:

1. This Court has jurisdiction over the parties and subject matter.
2. The Plaintiff filed her Petition for Paternity and Child Support on May 28, 2019.
3. On or about September 30, 2019, Plaintiff filed a Motion for Scientific (DNA)

Testing to which Defendant agreed. The parties reached an agreement on the protocol and procedure for administering the DNA test and this testing has was completed on or about November 9, 2019.

4. This matter has been highly publicized with numerous media outlets contacting the parties' counsel on a continuing basis. Due to the extraordinary circumstances surrounding the parties involved in this matter, it is in the interest of justice and necessary for the Court to enter an order of protection to protect the party's privacy and safety.

5. The likelihood that Defendant's private financial records (including, but not limited to, debts, expenditures, and expenses) will be used in an inappropriate and malicious manner for reasons that have absolutely nothing to do with these proceedings is exceedingly high and should not be tolerated by this Court.

6. Defendant has conferred with Plaintiff in an attempt to reach an agreement on the

appropriate scope of the protective order that should govern this matter. While the parties are in agreement that a protective order is necessary and have narrowed the issues in dispute, the parties have been unable to reach complete agreement despite their best efforts.

7. Pursuant to Rule 26(c) of the Arkansas Rules of Civil Procedure, this Court may order that “(1) that the discovery not be had; (2) that the discovery may be had only on specified terms and conditions, including a designation of the time or place; (3) that the discovery may be had only by a method of discovery other than that selected by the party seeking discovery; (4) that certain matters not be inquired into, or that the scope of the discovery be limited to certain matters; (5) that discovery be conducted with no one present except persons designated by the court; (6) that a deposition after being sealed be opened only by order of the court; (7) that a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way; (8) that the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the court.”

8. The Defendant moves the Court pursuant to Rule 26(c) of the Arkansas Rules of Civil Procedure to enter a mutual protective order directing the parties not to disclose any information or records obtained through discovery in this case, in the production of any affidavit of financial means, or any documents produced in compliance with the affidavit, in any interrogatory answers, requests for production of documents responses, the deposition of the parties or depositions of any third parties or by any other method of discovery because such disclosure(s) would cause the Defendant undue prejudice, annoyance, embarrassment, and/or oppression.

9. Defendant has attached his proposed protective order and non-disclosure agreement to this Motion as Exhibit A. The proposed protective order would not hinder Plaintiff's ability to

prosecute her case or obtain necessary discovery.

WHEREFORE, Defendant prays that his motion be granted; for a mutual protective order; for attorneys' fees and costs; and for any and all other relief to which the Defendant may be entitled.

Respectfully Submitted,

Bart Calhoun
Counsel for Defendant



By:

Dustin B. McDaniel, #99011
Bart W. Calhoun, #2011221
McDaniel, Richardson & Calhoun, PLLC
1020 West Fourth Street, Suite 410
Little Rock, AR 72201
Phone: 501-235-8336
Fax: 501-588-2104
dmdaniel@mrcfirm.com
bcalhoun@mrcfirm.com

Jessica Duncan Johnston, #2008027
Benca and Johnston, PLLC
1311 Broadway St.
Little Rock, AR 72202
Phone: 501.353.0024
jessica@bdjilawoffice.com

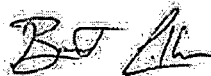
Attorneys for Defendant

CERTIFICATE OF SERVICE

I, Bart W. Calhoun, hereby certify that on November 27, 2019, a copy of the forgoing was served on the following by email:

Mr. Clinton Lancaster
Lancaster & Lancaster Law Firm, PLLC
PO Box 1295
Benton, AR 72018
clint@thelancasterlawfirm.com

Mrs. Jennifer Lancaster
Lancaster & Lancaster Law Firm, PLLC
PO Box 1295
Benton, AR 72018



Bart W. Calhoun



COURT USE ONLY PURSUANT TO ARK. SUP. CT. ADMIN. ORDER NO. 2(1)

IN THE CIRCUIT COURT OF INDEPENDENCE COUNTY, ARKANSAS

LUNDEN ALEXIS ROBERTS

PLAINTIFF

vs.

ROBERT HUNTER BIDEN

DEFENDANT

Case No: 32DR-19-187

2D DIV.

AGREED PROTECTIVE ORDER

BASED ON THE AGREEMENT of the parties, the Court finds:

1. That jurisdiction and venue are proper in this Court.
2. That "financial information" is defined as any information about either party's income taxes (state or federal), banking information, business ventures, banking accounts, investments, investment accounts, stocks, bonds, credit cards, real property valuations, personal property valuations, debts, expenses, expenditures, choses in action, or any other information about either party's assets or income from those assets.
3. That all financial information shall be treated as confidential information as that term is defined by Ark. Sup. Ct. Admin. Order No. 19. Only the parties, their attorneys of record, expert witnesses engaged or retained by the parties for the purposes of this case may view or possess financial information. Any such person who views or has access to financial information shall affirm or attest to keep this financial information as confidential information, disclose to no one, preserve in a password protected matter, destroy financial information at the termination of his,

her, or its services, and agree that they are strictly liable to sanction by the Court for any improper disclosure, regardless of fault.

4. That any party or entity, including one of the parties' attorneys, who receives a court order or subpoena seeking for the production or other disclosure of financial information shall immediately inform all attorneys of record for the parties as soon as reasonably practicable so that the parties may seek judicial intervention or relief in connection with the court order or subpoena.

5. That all financial information in electronic format shall be stored and transmitted only in an encrypted environment that includes at least 256-bit (AES or SSL) encryption. Nothing in this paragraph shall be construed as preventing any person in possession of financial information from complying with a lawful court order or valid subpoena related to financial information about the parties, subject to the notice obligation in the preceding paragraph.

6. That all financial information in tangible, paper form shall be securely maintained and not removed from any secure location except as necessary for use by the parties, their attorneys, or an expert engaged or retained by the parties. Nothing in this paragraph shall be construed as preventing any person in possession of financial information from complying with a lawful court order or valid subpoena related to the financial information, subject to the notice obligation in paragraph 4.

7. That any financial information or documents referencing or describing financial information filed with the Clerk of the Court shall be filed under seal. The attorneys for the parties shall clearly identify to the Clerk documents that contain,

reference, or describe financial information which should be sealed. The Clerk shall, pending review and further order from the Court, seal all information so identified by the parties and permit only the Court, the Circuit Clerk, their necessary staff members, the parties, or the parties' attorneys of record to view sealed financial information. The attorney providing financial information shall provide a redacted copy of the financial information or documents referencing describing financial information to be placed in the publicly accessible portion of this case file.

8. No financial information shall be used in a deposition of any other person besides a party unless the deponent and his or her attorney shall affirm or attest to maintain any such financial information as confidential information that they will disclose to no one else and preserve pursuant to the requirements described in the foregoing paragraphs. As a precondition to access to any financial or confidential information, any such persons agree to destroy financial or confidential information at the termination of his, her, or its services, and agree that they are strictly liable to sanction by the Court for any improper disclosure, regardless of fault. Any such person must document and certify their compliance with this Order as a precondition to access to any such financial information or confidential information. Any hearing at which any financial information is addressed shall be conducted *in camera* and under seal. Any exhibits or deposition testimony with financial information shall be treated as confidential information and sealed for the pendency of the proceeding. In addition to the filing requirements set forth in Paragraph 7, any party, including their counsel, seeking to publish, reference or describe in any

fashion any financial information in a public hearing and not *in camera* must provide reasonable advance notice to all other parties to permit them to seek judicial relief prior to any such publication, reference or description.

IT IS, BY THE COURT, SO ORDERED.

PREPARED BY: ATTORNEYS FOR THE PLAINTIFF

Jennifer M. Lancaster
Clinton W. Lancaster
LANCASTER & LANCASTER
LAW FIRM, PLLC
P.O. Box 1295
Benton, AR 72018
clint@thelancasterlawfirm.com
T: (501) 776-2224

www.TheLancasterLawFirm.com

* * * * *

APPROVED: ATTORNEYS FOR THE DEFENDANT

Dustin McDaniel
Bart Calhoun
MCDANIEL, RICHARDSON, & CALHOUN

Jessica Duncan Johnston
BENCA & JOHNSTON, PLLC

**HON. DON McSPADDEN,
CIRCUIT JUDGE**

DATED: _____

AUTHENTIC ELECTRONIC SIGNATURE
MAY BE PRESENT ON THE LAST PAGE.

Available Online at
<https://caseinfo.arcourts.gov/>

NON-DISCLOSURE AND DESTRUCTION AGREEMENT

By signing this document I agree and affirm that my name is _____
and that I own, work, or am employed by _____
I further agree and affirm that I have been engaged by counsel to Lunden Roberts or Hunter Biden, to provide advice or services relating to records owned, controlled, possessed, or relating to Lunden Roberts or Hunter Biden.

I understand that I cannot disclose information I learn from records provided to me related to these persons or entities to any third party without express instructions from at least one of the attorneys of record who represent either Lunden Roberts or Hunter Biden. I understand that I must return or destroy **ALL** records provided to me about Lunden Roberts or Hunter Biden, upon the conclusion or termination of my services related to this case. I agree to hold any information I have in my possession about Lunden Roberts or Hunter Biden in a secure environment with all document being subject to password protection. If that secure environment is an electronic storage system, that information will either be stored offline or in at least a 256-bit (AES or SSL) encrypted environment.

I understand that if I fail to comply with the terms of this agreement, I may be liable for monetary damages, sanctions or attorney's fees and costs relating to my actions. I also understand that I may be subject to the contempt powers of the Independence County Circuit Court and fined or jailed as determined by the presiding judge.

Signature

Printed Name

Date