

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

THE SHERWIN WILLIAMS COMPANY,

Plaintiff,

v.

MOTLEY RICE LLC

and

JOHN DOES,

Defendants.

CASE NO. CV 09 689237

Judge: John P. O'Donnell

Agreed Order

AGREED ORDER

NOW, in resolution of Plaintiff's pending motion for a temporary restraining order and upon the mutual good faith agreement of the parties, it is hereby agreed and ORDERED that:

Motley Rice LLC, and any of its attorneys, employees, or agents over whom Motley Rice has control, agrees that it shall not:

1. Use or reproduce Sherwin-Williams' thirty-four page board presentation (the "Board Presentation"), or any copies of those documents in the possession of Motley Rice LLC;
2. Transfer, convey, disclose, or communicate in any manner the Board Presentation (or any copies of the Board Presentation), or the contents of the Board Presentation to any person who is not a lawyer working on this litigation or the Rhode Island litigation;
3. Destroy the Board Presentation or any copies of the Board Presentation, including electronic copies of the Board Presentation;
4. Destroy or dispose of any documents, including electronically stored information, that constitute, show, or discuss how Motley Rice obtained, received, disclosed, used, or communicated the Board Presentation.

Forthwith, Motley Rice shall:

5. file with the Clerk of Court under seal all originals of the Board Presentation.

Further, within fifteen business days of this Order, Motley Rice shall:

6. file with the Clerk of Court under seal all copies of the Board Presentation in the possession, custody, or control of Motley Rice or any of its attorneys, employees, or agents over whom Motley Rice has control.

By agreeing to this Order, Motley Rice neither admits liability for any receipt, disclosure, dissemination, retention, or duplication of the Board Presentation, nor admits or agrees that the Board Presentation is protected attorney work-product, protected by the attorney-client privilege, confidential, or contains proprietary information or trade secrets. The parties further agree that neither this Order nor the ultimate decision of this Court shall have a binding effect, for or against either party, on any issues relating to the Board Presentation raised before Judge Silverstein in Rhode Island.

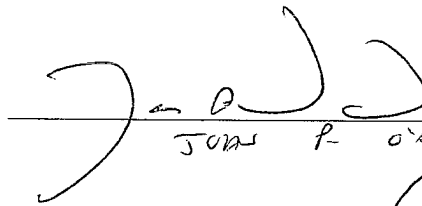
By agreeing to this Order it is understood that neither Sherwin Williams nor Motley Rice have waived any rights, claims, defenses, or remedies which they presently have or may at any point in the future have in this action.

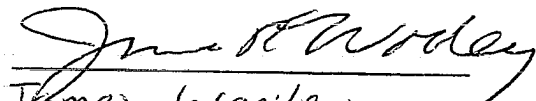
This Order shall remain in full force and effect until further order of this Court.

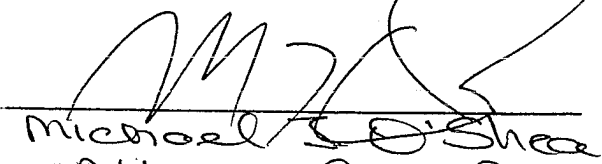
IT IS SO ORDERED.

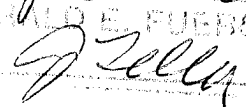
Dated:

4/9/09


James P. O'Connell



James Wadley
Attorney for Sherwin Williams


Michael J. Shea
Attorney for Defendant

CLERK OF THE COURT OF COMMON PLEAS
WITHIN AND FOR SAID COUNTY.
I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY
TAKEN AND FILED UNDER THE ORIGINAL
6892379 E 4-9-09
DAY OF April 9 2009
GERALD E. FUERST, Clerk
By 

RECEIVED FOR FILING

APR 09 2009

GERALD E. FUERST, CLERK
By  Deputy