

IN THE CIRCUIT COURT
SEVENTH JUDICIAL CIRCUIT
SPRINGFIELD, SANGAMON COUNTY, ILLINOIS

FILED

OCT 5th 1994 CIV-7

Carl D. Oblinger
Clerk of the Circuit Court

WILLIAM EBERT, d/b/a AMERICAN)
AUTO BODY,)
)
Plaintiff,)
)
vs.)
)
STATE FARM MUTUAL AUTOMOBILE)
INSURANCE COMPANY,)
)
Defendant.)

No. 93-L-58

MOTION FOR PROTECTIVE ORDER

Pursuant to Supreme Court Rule 201, the defendant in this litigation, STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, by its attorneys, Reed, Armstrong, Gorman, Coffey, Thomson, Gilbert & Mudge, P.C., moves for an entry of a protective order requiring plaintiff, WILLIAM EBERT, d/b/a AMERICAN AUTO BODY, to preserve and make available to the parties for appropriate inspection the following:

- A. All listening and recording devices utilized by Mr. Ebert to tape phone conferences of State Farm personnel or any actual or potential American Auto Body customers.
- B. All tapes which contain recorded conversations of State Farm personnel or any customers. Further, any tapes of conversations of witnesses or parties that may be relevant to this cause.
- C. All guns owned by Mr. Ebert and worn upon his person or kept at his place of business while at his place of business for the last five years.

1. The plaintiff has sought relief against the defendant on numerous theories, and claimed that he was

improperly taken off the Repair Facility Reference Guide of State Farm Mutual Automobile Insurance Company.

4. The items identified above are, on information and belief, owned and in the possession of the plaintiff.

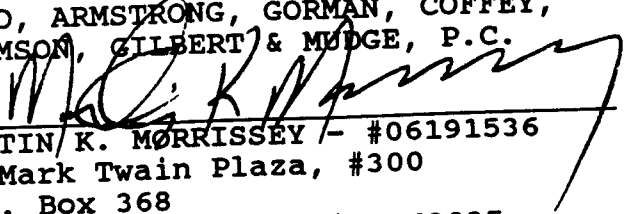
5. The defendant's ability to defend itself may be compromised if the listening devices, guns and tapes are altered or destroyed and not made available for inspection.

WHEREFORE, the defendants pray this court enter an Order that the plaintiff, WILLIAM EBERT, d/b/a AMERICAN AUTO BODY, its attorneys, agents and anyone else in control of the items, refrain from the following:

- A. Use, sell, loan, trade or otherwise dispose of the items without further Order of the court.
- B. Make any modifications or changes to the items without further Order of the court.
- C. Permit any inspections, destructive testings, or disassembly of the items without further Order of the court.
- D. Permit anyone to utilize the tapes without further Order of the court.

Defendant further prays that plaintiff make the items available for testing, examination, photographing, transcription, and copying at a date, time and place mutually agreed upon by the parties.

REED, ARMSTRONG, GORMAN, COFFEY,
THOMSON, GILBERT & MUDGE, P.C.

BY 
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PROOF OF SERVICE

A copy of the foregoing was mailed to all counsel of record by enclosing same in an envelope, with postage prepaid, addressed to: Mr. Stephen M. Osborne, Beeman Law Offices, 413 South Seventh Street, P.O. Box 5276, Springfield IL 62705-5276 and deposited in the U.S. Mail in Edwardsville, Illinois, this 19th day of August, 1994.

Angel R. Cuth