

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
LITTLE ROCK DIVISION**

RUSSEL HARPER

PLAINTIFF

v.

No. 4:11CV00904 KGB

**PATRICK R. DONAHOE, Postmaster General,
UNITED STATES POSTAL SERVICE**

DEFENDANT

AGREED PRIVACY ACT PROTECTIVE ORDER

For the purpose of protecting the privacy of the United States Postal Service (hereafter USPS) employees and former employees against the unreasonable and unprotected disclosure of personal information pertaining to them and in accordance with the provisions and objectives of the Privacy Act of 1974, 5 U.S.C. § 552a, the parties agree to entry of this Privacy Act Protective Order. It is ORDERED pursuant to 5 U.S.C. § 552a(b)(11) and Rule 26(c) of the Federal Rules of Civil Procedure as follows:

1. This Order applies to, governs, and directs the disclosure in the course of this action of all USPS records that are protected by the Privacy Act, USPS employee's and former employee's personal and medical information, and any personal information secured by the USPS from other sources when the disclosure of such is mandated by either the Federal Rules or the Local Rules requiring disclosure or, further is necessary to respond to Plaintiff's formal discovery under the Federal Rules of Civil Procedure. However, this Order itself neither address or overrules any objections to discovery made pursuant to the Federal Rules of Civil Procedure on any basis other than personal privacy.

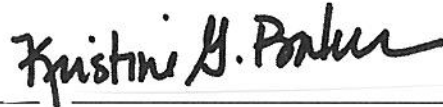
This Order also permits the Defendant to meet his discovery obligations by offering for inspection by the requesting Plaintiff through that party's attorney, in the manner permitted by the Federal Rule of Civil Procedure 33(d), those business records and files which relevant information that Defendant is obliged to disclose may be ascertained or derived. The Defendant is not required to prescreen each document from the USPS records for Privacy Act objections and to present those objections to this Court for a decision regarding disclosure.

2. The records and information covered by this Protective Order should be treated as confidential by all parties to this action. Disclosure shall be made to the Plaintiff only through his attorney and the provisions of this Order will apply to the attorney the same as to the Plaintiff. The Plaintiff shall not further share the documents with any person unless such disclosure is reasonably calculated in good faith to aid in preparation or prosecution of this litigation. The Plaintiff shall insure that any person to whom disclosure is made shall be informed of the terms of this Order prior to such event. In that circumstance, that individual shall be bound by the terms of this Order.

3. No person to whom a record covered by this Order is disclosed by Plaintiff or by Plaintiff's attorney shall make a copy of the record, unless copying reasonably promotes the preparation for and trial of this litigation. Neither Plaintiff, his attorney, nor any individual to whom they make disclosure shall disclose any record or information covered under this Order except for the purposes of preparing for and prosecuting this litigation.

4. Upon conclusion of this action (including appeals), all copies of records protected by this Order (except copies of documents accepted into evidence) made pursuant to the terms of this Order shall be returned to the Defendant or destroyed within a reasonable period by the Plaintiff or Plaintiff's attorney. Nothing in this Order constitutes any decision by the Court concerning discovery disputes or the admission into evidence of any specific document, or liability for payment of any costs of production or reproduction thereof, nor does the Order constitute a waiver by Defendant of its right to object to the discovery or admission into evidence of any document or record subject to this Order.

ENTERED this 9th day of January, 2012.



HONORABLE KRISTINE G. BAKER
UNITED STATES DISTRICT JUDGE

Approved:

/s/ Stacey McCord
Stacey E. McCord, AUSA
Attorney for Defendant

/s/ Joseph Hall
Attorney for Plaintiff