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20 UNITED STATES DISTRICT COURT
 21 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 22 WESTERN DIVISION

23 JASMINE BOWERS, M.D.,

24 Plaintiff,

25 v.

26 ERIC SHINSEKI, Secretary,
 27 Department of Veterans Affairs,
 Agency,

28 Defendant.

No. CV 12-09362 SVW (SHx)

PROTECTIVE ORDER

Judge: Hon. Stephen J. Hillman

Complaint Filed: October 31, 2012

Trial Date: September 10, 2013

Pursuant to the parties' Stipulation Re Protective Order (the "Stipulation"),

1 and for the purpose of protecting disclosure of information which might violate the
2 Privacy Act of 1974, 5 U.S.C. § 552(a) (1976) and/or the Health Insurance
3 Portability and Accountability Act and the Privacy Act, and in furtherance of the
4 provisions of those Acts, it is hereby ORDERED as follows:

5 1. This Protective Order applies to, governs and directs the disclosure of
6 information obtained from the records (the “Protected VA Documents”) of
7 Defendant VA.

8 2. This Protective Order applies to, governs and directs the disclosure of
9 Plaintiff’s medical records, including psychiatric records, obtained from Plaintiff,
10 or from any health care providers (the “Protected Medical Records”).

11 3. This Protective Order applies to, governs and directs the disclosure of
12 Plaintiff’s financial records obtained from Plaintiff, or from Plaintiff’s expert (the
13 “Protected Financial Records”).

14 4. Both parties and their respective counsel agree not to disclose any
15 covered information they obtain from the Protected VA Records, Protected
16 Medical Records, and Protected Financial Records (hereinafter collectively
17 “Protected Records”).

18 5. Both parties, and their counsel and their employees and agents agree
19 not to disclose any information obtained from the Protected Records to any person,
20 group or entity, other than as set forth herein:

21 a. Counsel of record for the parties;

22 b. Expert consultants/witnesses, who are retained or consulted by the
23 parties for the purposes of providing testimony or performing other services relating
24 to this action, provided that they shall agree to be bound by the terms of this
25 Protective Order and shall execute the “Agreement to be Bound by Protective Order,”
26 attached to the Stipulation as Exhibit A; and

27 c. Non-expert witnesses to this action, but only to the extent that
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1 disclosure is necessary to question a witness or prepare a witness to be questioned by
2 another party; provided that they shall agree to be bound by the terms of this
3 Protective Order and shall execute the “Agreement to be Bound by Protective Order,”
4 attached to the Stipulation as Exhibit A. Said non-expert witnesses shall be permitted
5 to review the Protected Records in the presence of counsel, but shall not be given a
6 copy of the documents to retain.

7 6. No person shall make a copy of any of the Protected Records unless
8 copying is necessary for the litigation and representation of the parties’ claims. When
9 copies are made, they shall only be made at the direction of the parties and/or their
10 respective counsel and/or related employees that are actively assisting in the litigation
11 of this action.

12 7. Any such Protected Records used in a pleading or exhibit shall be placed
13 under seal in compliance with Local Rule 79-5.4. No further Protective Order shall
14 be required when filing the Protected Records with the Court other than this Protective
15 Order as entered by the Court.

16 8. Upon conclusion of this litigation (including appeals), all copies of the
17 Protected Records (except copies of documents accepted into evidence) disclosed
18 pursuant to and protected by the terms of this Protective Order shall either be returned
19 within sixty (60) days to the producing party or shall be kept securely in counsel’s
20 confidential case files until destroyed or returned to the producing party.

21 9. The provisions of this Protective Order insofar as they restrict the
22 communication about and use of the Protected Records shall, without written
23 permission from either party or further order of the Court, continue to be binding after
24 the conclusion of this litigation, as set forth herein.

25 10. Any violation of this Protective Order may be subject to appropriate
26 sanctions.


27 11. This Protective Order is not indented to compromise the rights of any
28 party to object to discovery pursuant to the Federal Rules of Civil Procedure or any

1 other governing authority nor is it intended to alter any burden of proof regarding any
2 assertion of privilege in this matter.

3 12. Nothing in this Protective Order shall prohibit a party from seeking
4 further protection of the Protected Records by stipulation among the parties, approved
5 by the Court, or by application to the Court directly.

6 13. Nothing in this Protective Order constitutes a waiver of either party's
7 right to use, disclose or disseminate their own documents produced hereunder in
8 accordance with the provisions of the Privacy Act, and any applicable
9 statutory/regulatory provisions.

10
11 DATED: July 29, 2013

12 
13 UNITED STATES DISTRICT JUDGE

14 PRESENTED BY:

15 ANDRÉ BIROTTE JR.
16 United States Attorney
17 LEON W. WEIDMAN
18 Assistant United States Attorney
19 Chief, Civil Division

20 RUSSELL W. CHITTENDEN
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8 UNITED STATES DISTRICT COURT
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11 JASMINE BOWERS, M.D.,
12 Plaintiff,
13 v.
14 ERIC SHINSEKI, Secretary,
15 Department of Veterans Affairs,
16 Defendant.

No. CV 12-09362 SVW (SHx)

AGREEMENT TO BE BOUND BY
PROTECTIVE ORDER

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18 The undersigned, having read and fully understood the terms of the Protective
19 Order regarding the (“the Protected VA Documents”) entered by the Court in the
20 above-captioned action, hereby agrees to be bound thereby. The undersigned agrees
21 that the Protected VA Documents shall be used only for the purpose of this litigation,
22 and not for any other purpose whatsoever. The undersigned agrees not to disseminate
23 or disclose the Protected VA Documents, or contents thereof, unless otherwise
24 requested by subpoena or court order. If an original or reproduction of any of the
25 above documents has been provided to the undersigned pursuant to the Protective
26 Order, they shall be returned by the undersigned within 10 days to counsel requesting
27 the return of said documents or within 10 days of the conclusion of any work
28 performed by the undersigned in this litigation.

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DATED:
