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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

PATRICK NOLAN,

Plaintiff,

v.

THOMAS J. VILSACK,
SECRETARY, UNITED STATES
DEPARTMENT OF
AGRICULTURE,

Defendant.

) Case No: CV 14-08113 AB (FFMx)

)
)
) **PROTECTIVE ORDER**
) **GOVERNING PRODUCTION AND**
) **USE OF DOCUMENTS**
) **PRODUCED IN THE CASE AND**
) **AUTHORIZING DEFENDANT TO**
) **RELEASE DOCUMENTS**
) **PROTECTED BY THE PRIVACY**
) **ACT**

) Honorable Frederick F. Mumm
) United States Magistrate Judge
)
)
)

1 from disclosing a document or its contents which constitute or contain information
2 protected under the Privacy Act to the person the document identifies as an author
3 or addressee of such document.

4 6. The Parties shall not disclose any “highly confidential information”
5 about any former or current employee of USDA to third parties or to any other
6 persons where such disclosure is not reasonably necessary to the conduct of this
7 litigation. The term “highly confidential information” is defined as sensitive or
8 personal information contained in records produced including, but not limited to,
9 the social security numbers, dates of birth, and home addresses of USDA’s current
10 and former employees, and any other personally identifying information which is
11 not reasonably necessary to the conduct of this litigation. In addition, any court
12 reporting service involved in the preparation of a deposition which references
13 “highly confidential information” shall not make such deposition transcripts
14 available to anyone other than the Parties to this litigation.
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16 7. The Parties shall not attach documents or records containing “highly
17 confidential information” to any pleadings filed with the Court, nor include such
18 “highly confidential information” in any pleading publicly filed with the Court,
19 unless the records or information derived therefrom are filed under seal pursuant to
20 and in accordance with Local Rule 79-5.1, or they are properly redacted pursuant
21 to the Privacy Act prior to filing.

22 8. Any deposition testimony filed with the Court which includes “highly
23 confidential information” or which incorporates records containing “highly
24 confidential information” as exhibits shall be filed under seal pursuant to and in
25 accordance with Local Rule 79-5.1, or properly redacted pursuant to the Privacy
26 Act. Additionally, if any records containing “highly confidential information” are
27 attached as exhibits to any deposition transcript, those exhibits shall be attached to
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1 the original transcript in a sealed envelope pursuant to and in accordance with
2 Local Rule 79-5.1, or properly redacted pursuant to the Privacy Act.

3 9. If any papers to be filed with the Court include information protected
4 from disclosure by the Privacy Act, the proposed filing shall be accompanied by an
5 application to file the papers or the portion thereof including such protected
6 information (if such portion can be separated) under seal. Such application shall
7 be directed to the judge to whom the papers are directed. See Local Rule 79-5.1.

8 10. The Parties shall have the right to fully use any records produced by
9 Defendant and third parties pursuant to their prior Stipulation and this Protective
10 Order in any appellate proceedings, including without limitation, in briefs and in
11 argument.

12 11. Upon completion of this action, including any appeal, Plaintiff, his
13 attorneys, experts, and other persons providing litigation services as referenced in
14 paragraph 5 shall certify to the Court that they irretrievably destroyed all
15 documents that have been produced pursuant to the parties' prior Stipulation and
16 this Protective Order. Plaintiff, his attorneys, experts, and other persons providing
17 litigation services as referenced in paragraph 5 shall further certify that they have
18 destroyed all copies and/or duplicates as defined by Rule 1001(4) of the Federal
19 Rules of Evidence that they have made of such documents.

20 12. This Protective Order and the subsequent providing of documents by
21 Defendant or any third parties shall, in no manner, affect the Parties' respective
22 rights to object to the admissibility of any information contained in the released
23 documentation.

24 13. Nothing herein shall be construed to preclude Defendant from
25 asserting any applicable privilege and declining to produce records or information,
26 or portions thereof, as Defendant deems appropriate.
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