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7
8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 THEODORE W. MORT, a individual,
11 Plaintiff,

12 v.

13 LOUIS DEJOY, POSTMASTER GENERAL
14 UNITED STATES POSTAL SERVICE,
15 Defendant.

CASE NO. 1:19-cv-00652-NONE-SKO

STIPULATED PROTECTIVE ORDER

JUDGE: SHEILA K. OBERTO
UNITED STATES MAGISTRATE JUDGE

(Doc. 41)

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19 1. RECITALS

20 WHEREAS, defendant Postmaster General, United States Postal Service and plaintiff Theodore
21 W. Mort contemplate producing documents and information in discovery that implicates privacy rights,
22 including those of third parties protected by the Privacy Act of 1974, 5 U.S.C. § 552a, the parties hereby
23 stipulate to the following Protective Order and request that the Court enter that order.

24 2. DEFINITIONS

25 2.1 “CONFIDENTIAL” Information or Items are defined to include the following:

- 26 • Plaintiff’s tax returns (federal and state) for the years 2012 through 2019.
27 • Documents concerning investigations of misconduct by and/or discipline received by
28 United States Postal Inspection Service employees other than Plaintiff.

- Data from the e-Diary system for United States Postal Inspection Service employees other than Plaintiff.

2.2 Protected Material: any “CONFIDENTIAL” Information or Items. A party producing Protected Material in discovery shall mark it “CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER.”

3. DISCLOSURE OF PROTECTED MATERIAL

3.1 Disclosure of “CONFIDENTIAL” Information or Items. Unless otherwise ordered by the court or agreed to by both parties, Protected Material can only be disclosed to:

(a) Plaintiff’s or Defendant’s counsel and members of their staff as necessary to litigate this case. Plaintiff’s or Defendant’s counsel and members of their staff may use Protected Materials only for purposes of litigating this case and may not further disclose Protected Materials.

(b) Experts retained or employed by Plaintiff or Defendant who are working on this case. Experts retained or employed by Plaintiff or Defendant may use Protected Materials only for purposes of litigating this case and may not further disclose Protected Materials.

(c) The court and its personnel.

4. DURATION

Even after final disposition of this litigation, the confidentiality obligations imposed by this Order shall remain in effect unless a court order otherwise directs. Final disposition shall be deemed to be the later of (1) dismissal of all claims and defenses in this action, with or without prejudice; and (2) final judgment herein after the completion and exhaustion of all appeals, re-hearings, remands, trials, or reviews of this action, including the time limits for filing any motions or applications for extension of time pursuant to applicable law.

5. MISCELLANEOUS

5.1 Right to Further Relief. Nothing in this Order abridges the right of any person to seek its modification by the court in the future.

5.2 Right to Assert Other Objections. By stipulating to the entry of this Protective Order, no party waives any right it otherwise would have to object to disclosing or producing any information or item on any ground not addressed in this Stipulated Protective Order. Similarly, no party waives any

1 right to object on any ground to use in evidence of any of the material covered by this Protective Order.

2 5.3 Filing Protected Material. A party may not file in the public record in this action any
3 Protected Material produced by the other party absent written agreement from the producing party or a
4 court order. A party that seeks to file under seal any Protected Material must comply with civil Local
5 Rule 141.

6 6. FINAL DISPOSITION

7 Within 60 days after the final disposition of this action, as defined in paragraph 4, each party
8 must return all Protected Material that was produced to that party in discovery to the producing party or
9 destroy such material As used in this subdivision, “all Protected Material” includes all copies,
10 abstracts, compilations, summaries, and any other format reproducing or capturing any of the Protected
11 Material. This provision will not prevent the parties from keeping archive copies of pleadings,
12 disclosures, discovery responses, and deposition transcripts for the case.

13 Respectfully submitted,

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15 MCGREGOR W. SCOTT
United States Attorney

16 Dated: January 7, 2021

17 By: /s/ Victoria L. Boesch
18 VICTORIA L. BOESCH
Assistant United States Attorney

19 Attorneys for the United States

20 Dated: January 5, 2021

21 By: /s/ Dow Wakefield Patten (authorized 1/5/21)
DOW WAKEFIELD PATTEN
Smith Patten

22 Attorneys for Plaintiff Theodore W. Mort

23 **ORDER**

24 IT IS SO ORDERED.

25 Dated: January 8, 2021

26 /s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE