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**UNITED STATES DISTRICT COURT  
 DISTRICT OF OREGON**

AL-HARAMAIN ISLAMIC FOUNDATION,  
 INC., *et al.*,

Plaintiffs,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

No. CV 06 274 KI

PLAINTIFFS' PROPOSED PROTECTIVE  
 ORDER

**PROPOSED PROTECTIVE ORDER**

This matter is before the Court on the defendants' motion to limit plaintiffs' access to the document that plaintiffs have filed under seal (hereafter referred to as "the document"). In order to balance the defendants' concerns that the document not be publicly disclosed given its Top Secret classification, and plaintiffs' right to rely on the document in their claims against

defendants, this Protective Order is being entered. This Order shall apply to plaintiffs, plaintiffs' attorneys, defendants, defendants' attorneys and any other person who may acquire or receive access to the document in connection with this case.

1. Plaintiffs and plaintiffs' attorneys shall be given access to the document as necessary to prepare for proceedings in this case in accordance with the terms of the Protective Order. Before any plaintiff or plaintiffs' attorney is permitted access to the document, he or she must sign the Memorandum of Understanding in the form attached hereto, agreeing to the terms of this Order, and the same shall be filed with the clerk of this Court.
2. If plaintiffs' attorneys desire to have an expert or experts working with them in this litigation obtain access to the document, or to discuss the content of the document with said expert(s), the following procedure shall apply.
  - a. The Court will designate a Court Security Officer to serve in this matter. The Court Security Officer shall report only to the Court, and shall operate as an independent officer of the court in this matter.
  - b. Plaintiffs' counsel must make an *ex parte* application to the Court to allow their expert(s) to obtain access to the document, with a copy served on the Court Security Officer, providing the identity of the expert(s) and explaining the need for the expert(s) to have access to the document.
  - c. The Court Security Officer will then perform a security clearance investigation on said expert(s), and inform the Court and requesting counsel if the expert(s) will be granted a security clearance. The security clearance investigation shall be performed in such a manner as to assure that no

members of the defendants' team of attorneys and government agents involved in this case will have access to either the identities of persons being screened or any information obtained during their background checks.

- d. If the Court Security Officer notifies the Court and plaintiffs' counsel that the clearance has been approved, then the Court will enter an *ex parte* order granting such person access to the document only after said person has signed the Memorandum of Understanding in the form attached hereto agreeing to comply with the terms of this Protective Order, and the same has been filed under seal with the Court and a copy provided to the Court Security Officer.
  - e. If the Court Security Officer notifies the Court and counsel that the clearance has been denied, the Court will conduct an *ex parte* hearing to consider the reason for the denial and whether the Court should approve counsel's request that the subject person be provided access to the document. Only the Court Security Officer, the Court, and the requesting plaintiffs' counsel will participate in such a hearing.
3. The document is presently maintained in a SCIF ("sensitive compartmented information facility") subject to the Court's supervision. If plaintiffs' counsel wants access to the document, application shall be made to the Court who will arrange for plaintiffs' counsel to have access at the SCIF. The document will not be removed from the SCIF, and no person who is given access to the document may disclose the document's contents to any person not covered by this Order. Counsel and their expert(s) shall be allowed to take notes. If the notes contain classified information, the notes must be left at all times in the SCIF. Any notes

that do not contain classified information may be removed. Any notes are protected attorney work product.

4. Any pleadings filed with the Court discussing the contents of the document shall be filed under seal.
5. Any unauthorized disclosure of classified information may constitute violations of United States criminal laws. In addition, any violation of the terms of this Protective Order shall be immediately brought to the attention of the Court and may result in a charge of contempt of Court and possible reference for criminal prosecution, and may result in the termination of a party's access to classified information in this case. Persons subject to this Order are advised that unauthorized disclosure, retention or negligent handling of classified documents or information could cause serious damage to the national security of the United States.
6. A copy of this Order shall issue forthwith to plaintiffs' counsel who are ordered to advise plaintiffs of the contents of this Protective Order and furnish them with a copy of it. Plaintiffs and plaintiffs' counsel shall each sign a copy of the Memorandum of Understanding attached to this Order, and file it with the Clerk of the Court. The signing and filing of this statement is a condition precedent to the disclosure of the document to plaintiffs' counsel and plaintiffs.

**IT IS SO ORDERED.**

## MEMORANDUM OF UNDERSTANDING

1. I understand that I may be the recipient of information and document(s) that concern the present and future security of the United States and belong to the United States, and that such documents and information, together with the methods of collecting them, are classified according to security standards set by the United States Government.
2. I agree that I shall never divulge, publish or reveal, either by word, conduct or any other means, such classified document(s) and information unless specifically authorized in writing to do so by an authorized representative of the United States Government, as otherwise ordered by the Court, or as provided for in the Protective Order entered in the case of *Al-Haramain Islamic Foundation, et al., v. George W. Bush et al.*, Civil No. 06-274-KI, District of Oregon.
3. I understand that this agreement will be binding on me after the conclusion of the proceedings in the above lawsuit.
4. I have received, read and understand the Protective Order entered by the Honorable Garr King in the above lawsuit relating to classified information, and I agree to comply with the provisions thereof.