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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

VETERANS FOR COMMON SENSE, and
VETERANS UNITED FOR TRUTH, INC.,

Plaintiffs,

v.

GORDON H. MANSFIELD, Acting Secretary of
Veterans Affairs, *et al.*,

Defendants.

Case No. C-07-3758-SC

CLASS ACTION

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' ADMINISTRATIVE
MOTION TO FILE REPLY
DECLARATION OF MOTHER
CONTAINING PERSONAL
IDENTIFYING INFORMATION
UNDER SEAL**

CIVIL L.R. 79-5

Complaint Filed July 23, 2007

1 Plaintiffs filed the Reply Declaration of Mother in Support of Plaintiffs’ Motion for
2 Preliminary Injunction under seal. (“Reply Mother Declaration”). The Reply Mother Declaration
3 contains private and confidential personal medical information, and the personal identifying details
4 from the declaration were redacted.

5 Plaintiffs filed an Administrative Motion to File the Reply Declaration of Mother Containing
6 Personal Identifying Information Under Seal pursuant to Civil Local Rule 79-5. Having considered
7 Plaintiffs’ Administrative Motion, all other papers, pleadings, and arguments, and good cause
8 appearing thereof, Plaintiffs’ Motion is GRANTED.

9 IT IS HEREBY ORDERED that:

10 1. The names and personal identifying information contained in the Reply Mother
11 Declaration shall be sealed. The witness has a privacy interest in this information and are susceptible
12 to retaliation and harassment from the Department of Veteran Affairs (“VA”).

13 2. Only the redacted version of the Reply Mother Declaration shall be placed in the
14 public docket or disclosed outside the Department of Justice.

15 IT IS FURTHER ORDERED that:

16 3. The Reply Mother Declaration shall be given the protections described in Plaintiffs’
17 revised Proposed Protective Order, filed February 6, 2008, for “PERSONAL IDENTIFYING
18 INFORMATION – ATTORNEYS’ EYEYS ONLY” until such time as a protective order is entered
19 in this case.

20 4. Access to the unredacted version of the Reply Mother Declaration is specifically
21 limited to Defendants’ counsel from the Department of Justice and shall not be revealed to the
22 Department of Veterans Affairs for any purpose.

23 5. The Reply Mother Declaration shall be used solely for purposes in this litigation.

24 6. No Party shall take any retaliatory action against any veteran, potential class member,
25 third-party witness, or employee of a Party based on that individual’s inclusion or participation in this
26 lawsuit. Retaliation shall include but is not limited to the following actions: (1) pulling an individual
27 veteran’s original claim file for use in the litigation, which indefinitely delays any action in his or her
28 benefits claim proceeding or appeal; (2) the denial of benefits to individual veterans based in whole

1 or in part on his or her inclusion or participation in this action; and (3) demotion, termination, or
2 other retaliatory actions against Department of Veterans Affairs employees or other federal
3 government employees based on whole or in part on that employee's inclusion or participation in this
4 action.

5 7. The Department of Justice shall develop a procedure for obtaining access to veteran
6 records from the VA such as claim files and medical records that, to the maximum extent possible,
7 protects the identity of the veteran or claimant and does not indicate the specific purpose for the
8 request. Should the VA or Department of Justice determine that any veteran record such as claim
9 files or medical records is required for review, consultation, or evaluation for purpose of this lawsuit,
10 the VA or Department of Justice shall promptly make an electronic or hard copy of the veteran's
11 records and immediately return the records to their appropriate location within the VA. No veteran
12 record shall be removed from the normal VA adjudication cycle appropriate to that record.

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15 _____
16 Dated

_____ **HONORABLE SAMUEL CONTI**
Senior United States District Judge