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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JULIE CHATTLER,

No. C-07-4040 MMC (EMC)

Plaintiff,

v.

UNITED STATES OF AMERICA, *et al.*,

**ORDER DENYING PLAINTIFF'S  
MOTION TO COMPEL AS MOOT; AND  
GRANTING IN PART AND DENYING  
IN PART DEFENDANTS' MOTION FOR  
PROTECTIVE ORDER**

Defendants.

**(Docket Nos. 99, 104)**

Currently pending before the Court are Plaintiff's motion to compel and Defendants' cross-motion for a protective order. A hearing on the motions was held on January 7, 2008.

At the hearing, the parties indicated that they had reached agreement on Plaintiff's motion to compel (*e.g.*, Defendant the United States agreed to provide responses that did not rely upon incorporation by reference) and the Court therefore **DENIES** the motion, without prejudice, as moot.

As for Defendants' cross-motion for a protective order, it is hereby **GRANTED** in part and **DENIED** in part. The Court agrees that there are valid national security concerns and therefore discovery related to lockboxes shall not be unfettered. However, limited discovery related to lockboxes shall be permitted. For example, the following kinds of discovery shall be allowed: discovery related to the extent to which Defendants can access the applications while in the lockbox facility; discovery related to how it is determined when an application may be forwarded to the passport agency; and discovery related to the extent to which Defendants can enforce the business requirements in the Statement of Work. *See* Reply at 5. In short, the Court finds that, under the

1 present state of pleadings, discovery that might inform the ultimate question of whether receipt of a  
2 passport application by a lockbox facility constitutes “reach[ing] a Passport Agency,” 22 C.F.R. §  
3 51.66(b), shall be permitted, subject to national security concerns.

4 This order disposes of Docket Nos. 99 and 104.

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6 IT IS SO ORDERED.

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8 Dated: January 7, 2009



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11 EDWARD M. CHEN  
12 United States Magistrate Judge  
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