

1 JOSEPH P. RUSSONIELLO (CSBN 44332)
 United States Attorney
 2 JOANN M. SWANSON (CSBN 88143)
 Chief, Civil Division
 3 JENNIFER S WANG (CSBN 233155)
 Assistant United States Attorney

4 450 Golden Gate Avenue, Box 36055
 5 San Francisco, California 94102-3495
 Telephone: (415) 436-6967
 6 Facsimile: (415) 436-6748
 Email: jennifer.s.wang@usdoj.gov

7 Attorneys for the Federal Defendant

8 STEPHEN J. DUGGAN
 Law Offices
 9 250 Healdsburg Ave., Suite 201
 Healdsburg, CA 95448
 10 707.473.2800
 11 707.473.2801 (fax)
 www.sjduggan-law.com

12 Attorney for Plaintiff

13
 14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN FRANCISCO DIVISION

17	MARTHA A. OUTLAW,)	No. C 09-3262 MMC
18)	
19	Plaintiff,)	STIPULATION AND PROPOSED
20	v.)	PROTECTIVE ORDER RE:
21	JOHN E. POTTER, Postmaster General of)	CONFIDENTIALITY
22	the United States,)	
	Defendant.)	

23
 24 Subject to the approval of this Court, plaintiff Martha A. Outlaw and defendant John E.
 25 Potter, by and through their undersigned counsel, hereby stipulate to the following protective
 26 order:

27 The parties agree that entry of the following protective order is necessary in order to: (1)
 28 facilitate discovery of information without document by document controversy concerning
 confidentiality; (2) protect employees of the United States Postal Service from undue annoyance,
 embarrassment, oppression, burden and expense resulting from public disclosure or use for

1 purposes other than this litigation of confidential information that the parties will disclose in
2 discovery; and (3) avoid violation of the Privacy Act as codified at 5 U.S.C. §522a. The parties
3 therefore request that the Court enter the following protective order pursuant to Federal Rule of
4 Civil Procedure 26(c).

5
6 **STIPULATED ORDER**

7 All documents obtained from defendant in response to discovery requests made under the
8 Federal Rules of Civil Procedure or made pursuant to any disclosure requirement, including
9 initial disclosure requirements, that are contained within any EEO file, MSPB file, medical file,
10 injury compensation file, or any personnel file of any person other than the plaintiff (the
11 “Documents”) shall be subject to the following restrictions:

12 1. The Documents and the information contained therein shall be used only for purposes of
13 this litigation and not for any other purpose;

14 2. Neither the Documents nor the information contained therein shall be disclosed to anyone
15 other than (a) the attorney employed by plaintiff and the attorney’s staff; (b) the parties; (c)
16 actual or potential third-party witnesses; (d) outside experts or consultants retained by any of the
17 parties or their counsel for purposes of this litigation; (e) the Court in further proceedings herein;
18 (f) stenographic deposition reporters; and (g) other persons whom the parties mutually agree
19 upon in writing;

20 3. There shall be no reproduction of the Documents, except that, as required by the
21 litigation, copies, excerpts, or summaries may be shown to those authorized in Paragraph 2;

22 4. Except as otherwise provided in Paragraphs 2 and 3, all of the Documents shall remain in
23 the custody of plaintiff’s attorney of record during the pendency of the litigation;

24 5. Upon final determination of this litigation, including all appeals, all of the Documents,
25 including copies, extracts or summaries thereof, produced by defendant that pertains to any
26 person other than the plaintiff herein, shall be returned to defendant’s counsel. Notwithstanding
27 this paragraph, however, the plaintiff’s attorney may retain one copy of each pleading and other
28 document filed with the Court that contains any of the Documents covered by this Order.

1 Furthermore, nothing in this paragraph shall be construed to require plaintiff or her attorney to
2 turn over any attorney work-product; and

3 6. This Stipulation and Protective Order is without prejudice to the right of any party to
4 seek modification of it from the Court. It shall remain in effect until such time as it is modified,
5 amended or rescinded by the Court and shall survive termination of this action. The
6 Court shall have continuing jurisdiction to modify, amend, or rescind this Stipulation and
7 Protective Order notwithstanding the termination of this action.

8

9 **IT IS SO STIPULATED.**

10

JOSEPH P. RUSSONIELLO
United States Attorney

11

12

13 December 22, 2009

/s/ Jennifer S Wang
JENNIFER S WANG
Assistant United States Attorney
Attorneys for Defendant

14

15

16

17 December 21, 2009

/s/ Stephen Duggan
STEPHEN DUGGAN
Attorney for Plaintiff

18

19

20

21 **APPROVED AND SO ORDERED.**

22

23 DATED: December 23, 2009


MAXINE M. CHESNEY
United States District Court Judge

24

25

26

27

28