1 2 3 4 5 6 7 8 9 10 11	Shirley Mahoney 1 Elysian PL Oakland, CA 94605 Phone Number (510-418-0330) Shirley Mahoney, IN PRO PER MELINDA HAAG (CSBN 132612) United States Attorney ALEX G. TSE (CSBN 152348) Chief, Civil Division NEILL T. TSENG (CSBN 220348) Assistant United States Attorney 450 Golden Gate Avenue, Box 36055 San Francisco, California 94102-3495 Telephone: (415) 436-7155 FAX: (415) 436-6927 neill.tseng@usdoj.gov
12	Attorneys for Defendant PATRICK DONAHOE
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14	UNITED STATES DISTRICT COURT
15	NORTHERN DISTRICT OF CALIFORNIA
16	SAN FRANCISCO DIVISION
17	SHIRLEY MAHONEY,) No. C 11-00177 MEJ
18	Plaintiff, STIPULATION AND [PROPOSED]
19	v.) PROTECTIVE ORDER RE EEO COMPLAINTS AND OTHER
20	PATRICK DONAHOE, Postmaster General,) CONFIDENTIAL INFORMATION WHICH MAY BE PRODUCED BY
21	United States Postal Service,) DEFENDANT
22	Defendant.)
23	Subject to the approval of this Court, plaintiff Shirley Mahoney, pro se, and defendant
24	Patrick Donahoe, through his counsel of record in this action, hereby stipulate to the following
25	protective order as follows:
26	WHEREAS, plaintiff seeks the production of certain documents relating to EEO
27	complaints brought against defendant and against certain of defendant's employees;
28	STIP. & [PROPOSED] PROTECTIVE ORDER RE EEO COMPLAINTS & OTHER CONFIDENTIAL INFO. WHICH MAY BE PRODUCED BY DEF. C 11-00177 MEJ

WHEREAS, defendant considers the requested documents to be protected by the Privacy Act of 1974 (the "Privacy Act"), 5 U.S.C. § 552a, which may not be disclosed except pursuant to certain conditions, one of which is "pursuant to the order of a court of competent jurisdiction," 5 U.S.C. § 552a(b)(11);

WHEREAS, in the course of this litigation, there may be other information that the parties consider protected or confidential and desire to produce subject to a protective order;

WHEREAS, the parties agree that entry of the following protective order is necessary in
order to: (1) facilitate discovery of information without document by document controversy
concerning confidentiality; (2) protect employees or former employees of the United States
Postal Service from annoyance, embarrassment, oppression, or undue burden or expense
resulting from public disclosure or use for purposes other than this litigation of confidential
information that the parties may disclose in discovery; and (3) avoid violation of the Privacy Act;

THEREFORE, the parties jointly request that the Court enter the following stipulated
protective order pursuant to Federal Rule of Civil Procedure 26(c).

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STIPULATED PROTECTIVE ORDER

All documents and electronically stored information produced by defendant in response
to discovery requests made under the Federal Rules of Civil Procedure, or produced by defendant
pursuant to any initial or other disclosure requirement, which are designated in writing as being
"Produced Under Protective Order" (the "Protected Documents") shall be subject to the belownumbered restrictions. The Protected Documents may include but are not limited to documents
contained within any EEO file, medical file, injury compensation file, or personnel file of any
person.

The Protected Documents and the information contained therein shall be used
 only for the purpose of this litigation and not for any other purpose.

25 2. Neither the Protected Documents nor the information contained therein shall be
26 disclosed to anyone other than (a) the parties; (b) the parties' attorneys of record, if any, and the
27 attorneys' staff; (c) actual or potential third-party witnesses; (d) outside experts or consultants
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STIP. & [PROPOSED] PROTECTIVE ORDER RE EEO COMPLAINTS & OTHER CONFIDENTIAL INFO. WHICH MAY BE PRODUCED BY DEF. C 11-00177 MEJ 2 1 retained by any of the parties or their counsel for purposes of this litigation; (e) the Court in further proceedings herein; (f) stenographic deposition reporters; and (g) other persons upon 2 whom the parties mutually agree in writing. 3

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

4. Except as otherwise provided in Paragraphs 2 and 3, all of the Protected 8 Documents shall remain in the custody of the plaintiff or plaintiff's attorney of record, if any, 9 during the pendency of the litigation.

5. Within 30 days after the final disposition of this action, plaintiff or plaintiff's 10 attorney of record, if any, shall return all of the Protected Documents, including copies, extracts 11 or summaries thereof, to defendant's counsel of record or destroy such material. "Final 12 disposition" shall be deemed to be the later of (1) dismissal of all claims and defenses in this 13 14 action, with or without prejudice; or (2) final judgment herein after the completion and exhaustion of all appeals, rehearings, remands, trials, or reviews of this action, including the time 15 limits for filing any motions or applications for extension of time pursuant to applicable law. 16 17 Whether the Protected Documents are returned or destroyed, plaintiff or plaintiff's attorney of record, if any, must submit a written certification to defendant's counsel of record by the 30-day 18 deadline certifying that all of the Protected Documents were returned or destroyed. 19 20 Notwithstanding this provision, plaintiff or plaintiff's attorney of record, if any, may retain one archival copy of all pleadings, motion papers, trial, deposition, and hearing transcripts, legal 21 22 memoranda, correspondence, deposition and trial exhibits, expert reports, attorney work product, 23 and consultant and expert work product, even if such copy contains any of the Protected Documents. Any such archival copy that contains any of the Protected Documents remains 24 subject to this Protective Order as set forth in paragraph 6. 25

26 6. Even after final disposition of this litigation, the confidentiality obligations 27 imposed by this Protective Order shall remain in effect unless and until defendant agrees

STIP. & [PROPOSED] PROTECTIVE ORDER RE EEO COMPLAINTS & OTHER CONFIDENTIAL INFO. WHICH MAY BE PRODUCED BY DEF. C 11-00177 MEJ 3

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1 || otherwise in writing or a Court order otherwise directs.

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

IT IS SO STIPULATED.

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8 9 DATED: 15-12 10 By: MAHONEY 11 Plaintiff In Pro Per 12 MELINDA HAAG 13 United States Attorney 14 DATED: 10/16/12 15 By: NEIL. 16 Assistant United States Attorney Attorneys for Defendant 17 PURSUANT TO STIPULATION, IT IS SO ORDERED. 18 19 October 16, 2012 DATED: 20 HONORABLE-MARIA-ELENA JAMES 21 UNITED STATES CHIEF MAGISTRATE JUDGE 22 23 24 25 26 27 28 STIP. & [PROPOSED] PROTECTIVE ORDER RE EEO COMPLAINTS & OTHER CONFIDENTIAL INFO. WHICH MAY BE PRODUCED BY DEF. 4 C 11-00177 MEJ