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 SECURITY
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10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION

13	K. H., C.V., W.L., J.M., JEFFREY BOYER,)	Case No. 15-cv-02740 JST
14	BRIAN PIEROG, DONNA BAXTER,)	
	RICHARD DEVIVO, and GARY)	STIPULATION AND PROPOSED ORDER RE
15	MCCONAGHY, on behalf of themselves and)	PRODUCTION OF THIRD-PARTY
	those similarly situated,)	INFORMATION
16)	
)	The Honorable Jon S. Tigar
17	Plaintiffs,)	
)	
18	v.)	
)	
19	THE SECRETARY OF THE DEPARTMENT)	
	OF HOMELAND SECURITY,)	
20)	
	Defendant.)	

22 WHEREAS, this is an Age Discrimination in Employment Action challenging the closure of six
 23 Federal Air Marshal Service (“FAMS”) offices;

24 WHEREAS, plaintiffs allege that the office closures were discriminatory and bring both direct
 25 discrimination and disparate impact theories;

26 WHEREAS, plaintiffs seek certain information not only about the Federal Air Marshals at the
 27 impacted offices, but also the Federal Air Marshals at the non-impacted offices, such as dates of birth and
 28 duty location. Plaintiffs assert that such information is relevant to their disparate impact analysis, among

1 other things;

2 WHEREAS, Defendant does not dispute that this information may be relevant to the disparate
3 impact analysis, but notes that it is also personally-identifying information about third parties (i.e., Federal
4 Air Marshals who are not before the Court). Such information is generally protected under the Privacy
5 Act, 5 U.S.C. § 522a, among other things.

6 WHEREAS, the Privacy Act contains an exception permitting disclosure of protected
7 information “pursuant to the order of a court of competent jurisdiction.” 5 U.S.C. § 522a(b)(11).

8 IT IS HEREBY STIPULATED, by the parties to the above-captioned action, by and through their
9 respective counsel of record, that, to the extent the Court agrees that certain demographic information about
10 non-party Federal Air Marshals, such as dates of birth and duty station, is relevant to the claims herein, it
11 should be produced to plaintiffs pursuant to the protective orders in place.

12
13 DATED: July 14, 2016

Respectfully submitted,

14 BRIAN J. STRETCH
15 United States Attorney

16 /s/ Wendy M. Garbers
17 WENDY M. GARBERS
18 Assistant United States Attorney
Attorneys for Defendant

19 DATED: July 14, 2016

MORRIS POLICH & PURDY LLP

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21 /s/ Nicholas M. Wieczorek *
22 NICHOLAS M. WIECZOREK
Attorneys for Plaintiffs

23 *In compliance with Civil Local Rule 5-1(i)(3), the filer of this document attests under penalty of perjury
24 that plaintiff has concurred in the filing of this document.
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1 **[PROPOSED] ORDER**

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3 The Court agrees that certain demographic information about non-party Federal Air Marshals, such

4 as their dates of birth and duty stations, is relevant to the claims herein. The Court hereby orders that such

5 information be provided to plaintiffs under the protective orders in place in this litigation.

6 IT IS SO ORDERED.

7

8 Dated: July 15, 2016

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10  _____

11 THE HONORABLE JON S. TIGAR