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Attorneys for Defendant

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

ERNEST C. WHEELER,)
)
Plaintiff,)
)
v.)
)
MICHAEL CHERTOFF, Secretary,)
Department of Homeland Security, Federal)
Emergency Management Agency)
)
Defendant.)
)

No. C 08-01738 SBA
STIPULATION AND [PROPOSED]
PROTECTIVE ORDER RE:
CONFIDENTIALITY

1 Subject to the approval of this Court, the parties hereby stipulate to the following
2 protective order:

3 The parties agree that entry of the following protective order is necessary in order to: (1)
4 facilitate discovery of information without document by document controversy concerning
5 confidentiality; (2) protect current and former employees of the defendant from undue
6 annoyance, embarrassment, oppression, burden and expense resulting from public disclosure or
7 use for purposes other than this litigation of confidential information that the parties will disclose
8 in discovery; and (3) avoid violation of the Privacy Act as codified at 5 U.S.C. §552a. The
9 parties therefore request that the Court enter the following protective order pursuant to Federal
10 Rule of Civil Procedure 26(c).
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13 **STIPULATED ORDER**

14 All documents obtained from the defendant in response to discovery requests made under
15 the Federal Rules of Civil Procedure, or made pursuant to any disclosure requirement, that are
16 contained within any EEO file relating to an EEO complaint against Judith Reilly by Georgetta
17 Law, Harold Pashon or Richard Rodenbaugh, shall be subject to the following restrictions:
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19 1. All information shall be used only for the purpose of this litigation and not for
20 any other purpose;

21 2. No information shall be disclosed to anyone other than (a) the attorneys employed
22 by plaintiff and its staff; (b) the parties; (c) actual or potential third-party witnesses; (d) outside
23 experts or consultants retained by any of the parties or their counsel for purposes of this
24 litigation; (e) the Court in further proceedings herein; (f) stenographic deposition reporters; and
25 (g) other persons upon whom the parties mutually agree in writing;
26

27 3. There shall be no reproduction of the documents, except that, as required by the
28

1 litigation, copies, excerpts, or summaries may be shown to those authorized in Paragraph 2;

2 4. Except as otherwise provided in Paragraphs 2 and 3, all documents shall remain
3 in the custody of the plaintiff's attorneys of record during the pendency of the litigation;

4 5. Upon final determination of this litigation, including all appeals, all documents,
5 including copies, extracts or summaries thereof, shall be returned to defendant's counsel.

6 Notwithstanding this paragraph, however, the plaintiff's attorneys may retain one copy of each
7 pleading and other document filed with the Court that contains any documents covered by this
8 Order; and

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

18 ***DEL BECCARO, HORNSBY & BLAKE***
19 ***POHLS & ASSOCIATES***

20 Dated: February 6, 2009

21 By: _____ /s/

22 Thomas G. Del Beccaro
Attorneys for Plaintiff **Ernest C. Wheeler**

23 **JOSEPH P. RUSSONIELLO**
24 United States Attorney

25 Dated: February 6, 2009

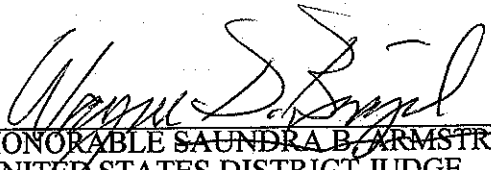
26 By: _____ /s/

27 **NEILL T. TSENG**
Assistant United States Attorney
Attorneys for Defendant

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PURSUANT TO STIPULATION, IT IS SO ORDERED:

DATED: 2/11/09


HONORABLE SAUNDRA B. ARMSTRONG
UNITED STATES DISTRICT JUDGE
Magistrate