

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 12-cv-01570-RPM

HAROLD CUNNINGHAM,  
CARLTON DUNBAR,  
JOHN W. NARDUCCI, JR.,  
JEREMY PINSON,  
JOHN J. POWERS,  
ERNEST NORMAN SHAFER, and  
MARCELLUS WASHINGTON,

each individually and on behalf of all others similarly situated,

and

CENTER FOR LEGAL ADVOCACY  
D.B.A. THE LEGAL CENTER FOR PEOPLE  
WITH DISABILITIES AND OLDER PEOPLE,  
COLORADO'S PROTECTION AND ADVOCACY  
SYSTEM,

Plaintiffs,

v.

FEDERAL BUREAU OF PRISONS.

Defendant.

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**SECOND SUPPLEMENT TO PROTECTIVE ORDER**

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Pursuant to Fed. R. Civ. P. 26(c) and 5 U.S.C. § 522a, and upon a showing of good cause in support of the supplementation of the Protective Order previously entered by the Court (Docket Number 85) to protect the production, discovery, and dissemination of confidential information, privileged information, and/or sensitive data or records, IT IS HEREBY ORDERED:

Documents created and exchanged in connection with settlement discussions may include materials that may be encompassed by the Privacy Act of 1974, 5 U.S.C. § 522a, or may be based on or summarize materials that may be subject to the Privacy Act.

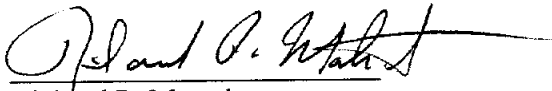
Documents may also include materials potentially encompassed by various common-law privacy interests or privileges, as well as Fed. R. Evid. 408. If Defendant produces to Plaintiffs a document that might otherwise be protected by the Privacy Act, this order is an order of the Court pursuant to 5 U.S.C. § 552a(b)(11), which allows for such production.

Defendant may designate any information described in the above paragraph as either CONFIDENTIAL or ATTORNEY'S EYES ONLY subject to the Protective Order entered August 6, 2013 (Docket No. 85). Defendant is hereby authorized to release such documents pursuant to 5 U.S.C. § 552a(b)(11).

To the extent Defendant deems it necessary to protect particularly confidential information, privileged information, and/or sensitive data or records, Defendant may also disclose ATTORNEY'S EYES ONLY records to Plaintiffs' counsel and their experts for their visual review only and not for retention. Such documents will be marked as ATTORNEY'S EYES ONLY – NOT TO BE PRODUCED; TO BE RETURNED TO DEFENDANT. If Defendant makes such a disclosure, Plaintiffs' counsel agree that neither they nor their experts will reproduce, make any notes about, or otherwise record information about such a disclosure, unless otherwise ordered by the Court..

CONFIDENTIAL and ATTORNEY'S EYES ONLY documents shall not be disclosed or used for any purpose other than the litigation of this case, except as allowed by the Protective Order entered August 6, 2013 (Docket No. 85) or otherwise ordered by the Court.

Dated: July 18, 2014

  
Richard P. Matsch  
United States District Judge

Approved as to Form and Content:

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