

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

Civil Action No. 13-CV-01114-JLK

MOHAMMED NSIRAT, DBA TOMMY'S MARKET

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

PRIVACY ACT PROTECTIVE ORDER

Kane, J.

This Order is entered for the purpose of protecting the rights of privacy of recipients, or authorized representatives, of electronic benefit transfer (“EBT”) cards, issued under the Food Stamp Program and accompanying Regulations, 7 U.S.C. § 2011 et seq. and 7 C.F.R. § 271 et seq., against unreasonable disclosure of information pursuant to the objectives of the Privacy Act, 5 U.S.C. § 552a(b), the Food Stamp Program and federal regulations promulgated thereunder, 7 U.S.C. § 2020(e)(8) and 7 C.F.R. § 272.1(c), and pursuant to the Federal Rules of Civil Procedure.

1. This Order permits the disclosure in the course of this action, of information regarding EBT card recipients, or authorized representatives, covered by the Privacy Act, reasonably necessary or useful to respond to discovery or to defend this pending action. The Order does not otherwise affect any objections to discovery or admissibility of evidence.

2. Defendant is hereby Ordered to produce this information, as requested by

the Plaintiff, within 40 days.

3. Such information shall be disclosed by Defendant only to Plaintiffs through Plaintiff's attorneys. Plaintiff's attorneys shall not disclose any of the records or information to any person unless the disclosure is reasonably and in good faith calculated to aid in the preparation and/or the prosecution of this case. Plaintiff's attorneys shall insure that any person to whom disclosure may be made pursuant to this Order shall, prior to such disclosure, have read, understood, and acknowledged an agreement to be bound by this Order.

4. Neither Plaintiff, nor Plaintiff's attorneys, nor any individual to whom they have made disclosure shall himself or herself make any disclosure of information covered under this Order except for disclosures allowed under the Privacy Act. Any discovery materials disclosed to Plaintiffs shall be used only to prepare for and to prosecute or defend in this litigation.

5. Upon conclusion of this action (including appeals), all copies of EBT card information released to Plaintiff under this Order, excepting exhibits entered into evidence and documents filed with the Court, shall be returned within a reasonable period by Plaintiff's attorneys to counsel for Defendant. Nothing in this Order constitutes any decision by the Court concerning discovery disputes, or the admission into evidence of any specific document or liability for payment of any costs of production or reproduction of documents, nor does this Order constitute a waiver by Defendant of any right to object to discovery or admission into evidence of any document or record subject to this Order.

IT IS SO ORDERED.

Entered this 27th day of August 2013.

s/John L. Kane

Honorable John L. Kane
United States District Court Judge