

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MICHAEL NEWDOW, *et al.*,

Plaintiffs,

v.

HON. JOHN ROBERTS, JR., *et al.*,

Defendants.

Civil Action No. 1:08-cv-02248-RBW

**PROPOSED ORDER REGARDING PLAINTIFFS' MOTION FOR PROTECTIVE
ORDER ALLOWING PSEUDONYMS, DECLARATIONS AND ADDRESSES TO BE
FILED UNDER SEAL**

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On motion of the Plaintiffs and for good cause shown, the Court hereby ORDERS that the true identities of the key child plaintiff in this action (henceforth “DoeChild”) and of that child’s parent (henceforth “DoeParent”) be protected from disclosure through the discovery process and in pleadings filed in this case and will be deemed “confidential information.” However, this stipulation does not address whether Plaintiffs must be present in person at depositions, open court hearings or whether their identities will be required to be disclosed at trial. That issue will be discussed by the parties at a later date.

It is further ORDERED that the private residence addresses of all parties be protected, as well, from disclosure through the discovery process and in pleadings filed in this case. This information, too, will be deemed “confidential information.” All confidential information shall be filed at the Court under seal. This information shall also be provided to all Defendants.

It is further ORDERED that no confidential information produced by any party shall be used for any purpose other than the litigation of this case. Furthermore, there shall be no disclosure of confidential information to anyone other than the following:

- (a) The parties to the case, including their current employees or agents who have a reasonable need to know the confidential information;
- (b) The parties’ attorneys and all attorneys affiliated with the respective parties, and the attorneys’ staff;
- (c) Experts and consultants retained by attorneys for the parties in the preparation or presentation of the case;
- (d) Employees of the insurance companies or claims administrators that insure any of the Defendants and/or oversee the litigation;
- (e) Any persons responsible for storing or maintaining the parties’ case files at the conclusion of the case; and
- (f) The court or any other officer who presides over any proceeding in the case, and to court reporters as necessary.

It is further ORDERED that in filing documents with the Court, confidential information may be used in court if the documents are filed under seal.

It is further ORDERED that any Defendant may request authorization to disclose the confidential information beyond that permitted herein. Such a request shall identify the information for which disclosure is sought, shall identify the person or entity to whom disclosure is proposed, shall state the reasons why disclosure is necessary or appropriate, and shall be made in writing to Plaintiffs' counsel. Plaintiffs' counsel shall respond in writing to the request within a reasonable time. If there is no objection to the request for disclosure, the identified confidential information may be disclosed to the person or entity previously identified. If Plaintiffs' counsel denies authorization for disclosure of identified documents, no such disclosure shall be made unless, after application to the court, the court so orders.

It is further ORDERED that any person to whom confidential information is disclosed shall be advised of the confidential nature of the information and instructed that the information is to be kept confidential. All individuals should be advised that unauthorized disclosure of confidential information may subject them to a potential contempt citation. When making disclosure, counsel shall provide each person to whom such disclosure is made with a copy of this order.

This ORDER may be modified or terminated by the court for good cause shown, or by signed stipulation by all of the parties who agree to the stipulation. Any party for good cause may apply to the court to obtain further protection than that provided herein. This ORDER shall continue to be binding after the conclusion of this action. Nothing in this ORDER shall prevent disclosure of confidential information as required by law or as compelled by any Court.

It is the intent of this ORDER (i) to protect DoeChild and DoeParent from being publicly identified, and (ii) to limit the public access to the private residence addresses of the other

parties. These objectives are to be sought while affording the parties adequate information to effectively deal with the issues in this matter. All parties are directed to seek a determination from this Court as to any perceived ambiguity in this ORDER before disclosing any information in the Declaration.

Entered on this _____ day of _____, 2009

Prepared for Entry:

By:

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January 14, 2009