

# In The United States Court of Federal Claims

No. 02-25L

(Filed: April 8, 2011)

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JICARILLA APACHE NATION, formerly  
JICARILLA APACHE TRIBE,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

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## ORDER

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On March 30, 2011, defendant filed an unopposed motion to modify or amend the protective order. This motion is hereby **GRANTED**. Accordingly, paragraph one of the court's February 19, 2010, protective order is modified to read as follows:

“ 1. **Scope.** This order shall govern documents that, in the Order dated July 3, 2009, Dkt. Nos. 211, 216, this court has directed that defendant produce to plaintiff. Also, this Order shall govern all other documents hereinafter produced by defendant in this case in conformance with the decision in *In re United States*, 590 F.3d 1305 (Fed. Cir. 2009), and that defendant claims to be protected from discovery by virtue of the attorney-client privilege, in the absence of the application of the fiduciary exception, as defined in *In re United States*. Further, this order shall govern any deposition testimony given hereinafter that defendant claims to be protected from discovery by virtue of the attorney-client privilege, in the absence of the application of the fiduciary exception, as defined in *In re United States*. This order shall not apply to document numbers 13 and 14 described in Appendix A of *Jicarilla Apache Nation v. United States*, 88 Fed. Cl. 1, 24 (2009) or to other copies of those documents.”

In all other respects, the court's February 19, 2010, protective order remains unmodified and in full force and effect.

**IT IS SO ORDERED.**

s/ Francis M. Allegra  
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Francis M. Allegra  
Judge