

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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**EQUAL EMPLOYMENT OPPORTUNITY** :  
**COMMISSION,** : **ECF Case**  
: **Civ. Action No. 10-cv-0655(LTS)(MHD)**  
**Plaintiff,** :  
:   
**v.** :   
:   
**KELLEY DRYE & WARREN, LLP,** :   
:   
**Defendant.** :  
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**STIPULATION AND ORDER FOR THE FILING UNDER SEAL  
OF DOCUMENTS MARKED "CONFIDENTIAL"**

**Whereas** on August 16, 2010, Magistrate Judge Dolinger issued a Confidentiality Order providing in paragraph 12 that if a party intends to use documents "designated as Confidential Information in connection with motion practice... [t]he parties will, in advance of public filing confer in good faith to agree upon a method (subject to the Court's approval) to protect such Confidential Information"; and

**Whereas** Plaintiff EEOC informed Defendant Kelley Drye & Warren, LLP ("Kelley Drye") of its intent to file a motion for partial summary judgment dismissing Kelley Drye's Nineteenth Affirmative Defense, supported in part by documents which have been designated as "confidential" by Kelley Drye; and

**Whereas** Kelley Drye thereafter has informed EEOC of its position that these documents designated as "confidential" by Kelley Drye should not be publicly disclosed in the course of the filing of EEOC's motion; and

**Whereas** Kelley Drye has also informed EEOC of its position that certain statements in a supporting Declaration of Charging Party Eugene T. D'Ablemont and in EEOC's Rule 56.1 Statement which describe documents designated as "confidential" by Kelley Drye and/or otherwise contain "confidential information" under Magistrate Judge Dolinger's Confidentiality Order should not be publicly disclosed in the course of filing EEOC's motion and instead should be redacted to remove such alleged "confidential information" in any public filing; and

**Whereas** EEOC does not object to the sealing or redacting of the documents described above solely for purposes of this motion, while reserving the right to challenge the confidentiality designations for those documents and other information designated as "confidential" by Kelley Drye going forward;

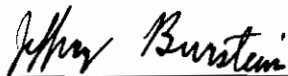
IT IS HEREBY STIPULATED, AGREED, AND ORDERED that:

In Plaintiff EEOC's forthcoming motion for partial summary judgment to dismiss Kelley Drye's Nineteenth Affirmative Defense, Plaintiff EEOC will not publicly file, via ECF, any documents that have been designated by Kelley Drye as "confidential" in this litigation. Instead, documents previously designated as "confidential" will be filed with the Court under seal. Additionally, EEOC will only publicly file redacted versions of its supporting Declaration of Eugene T. D'Ablemont and its Rule 56.1 statement in support of its motion, redacting those portions of such documents that Kelley Drye has asserted contain "confidential information" under the Confidentiality Order in effect in this case, with unredacted versions of these documents to be filed with the Court under seal. EEOC has reserved the right to challenge the confidentiality designations of those documents and information going forward consistent with the Confidentiality Order.

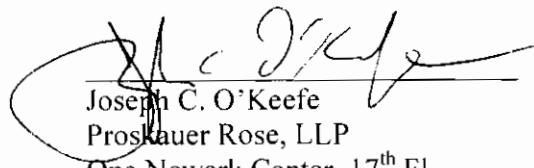
Dated: March 25, 2011

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

PROSKAUER ROSE LLP  
Attorneys for Defendant

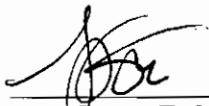


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SO ORDERED:



3/29/2011  
Hon. Laura T. Swain, U.S.D.J.