

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

IN RE: AIR CRASH NEAR CLARENCE CENTER,
NEW YORK ON February 12, 2009,

09-md-2085

This document relates to:

All Cases

**ORDER REGARDING AGREED PROTOCOL FOR TRANSMISSION OF THE
CVR RECORDER AND DFDR RECORDER AND FOR DOWNLOAD OF THE CVR
RECORDING FOR *IN CAMERA* INSPECTION**

1. The Cockpit Voice Recorder (“CVR”) and Digital Flight Data Recorder (“DFDR”) shall be maintained in the packaging and condition they were received in from the NTSB by a designated employee of Colgan Air, Inc., who shall ensure that the items remain sealed and secured against any spoliation or damage. Counsel for Colgan Air, Inc. shall not receive, handle or obtain custody, possession or control of the CVR or DFDR materials.
2. Colgan Air, Inc. will ship the unopened, secure CVR and DFDR materials in an agreed-upon manner to be determined by the parties to the individual agreed upon by the parties (“Agreed Person”). The Agreed Person shall photograph the packages upon receipt to document that the packages are secure and undamaged. The Agreed Person shall maintain the security of the materials and shall not open the sealed packages until representatives of the parties can be present to view the opening of the packages. Upon the download of the CVR, no one, other than the Agreed Person, shall be permitted to hear any portion of the CVR recording.
3. On or before August 6, 2010, the Agreed Person shall convert the raw digital data from all channels of the CVR recording into a readable format. The Agreed Person shall transmit a copy of the CVR recording, under seal, to this Court for *in camera* review, by August 9,

2010. The playback speed of the copy shall reflect the real time conversation and noises heard on the various channels of the CVR.

4. The Agreed Person is prohibited from disclosing any portion of the CVR recording or its contents to any other person, subject to further orders of this Court.
5. On or before August 6, 2010, the Agreed Person shall prepare a copy of the raw binary data from the DFDR and shall provide same to a representative to be designated by Plaintiffs.
6. The CVR and DFDR shall then be resealed and maintained by the Agreed Person, or such other person as the parties may agree upon in writing, so as to be secure from spoliation or damage.
7. No one shall identify the Agreed Person in any document or testimony as the individual conducting the download for the Court's *in camera* review.

SO ORDERED.

Dated: July 11, 2010
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
Chief Judge
United States District Court