

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

Health Carousel, LLC,)	C/A No.: 1:13-cv-23-SSB-SKB
)	
Plaintiff,)	
)	
v.)	
)	
Bureau of Citizenship and Immigration)	
Services, California Service Center,)	
)	
Defendant.)	
_____)	

JOINT MOTION FOR A PRIVACY ACT PROTECTIVE ORDER

The production and filing of the certified administrative record (“CAR”) in this case is essential to the resolution of Plaintiff’s claims under the Administrative Procedures Act. However, the sizeable CAR in this case contains a significant amount of information that is protected under the Privacy Act of 1974, 5 U.S.C. § 552a. In order to allow the Defendant to promptly produce and file the CAR without violating the Privacy Act, the parties jointly seek the entry of the Privacy Act Protective Order attached as Exhibit A.

The CAR for this case contains substantial Privacy Act-protected information directly related to Plaintiff’s claims. The CAR comprises Plaintiff’s application for immigration benefits, Plaintiff’s supporting documents, and agency decisions. The supporting documents Plaintiff submitted contain information from and about third-parties to this action. For example, the CAR contains detailed information about the beneficiary’s credentials, educational history, and immigration history. Under the Privacy Act, the identifying information of the beneficiary is protected from disclosure. *See, e.g., Romero-Vargas v. Shalala*, 907 F. Supp. 1128, 1132 (N.D. Ohio 1995) (“The

Act requires a federal agency to obtain the written consent of an individual before it discloses information about an individual to a third party.”). Given the nature of Plaintiff’s challenge, this information is important to the Plaintiff’s claims and the Defendant’s defenses. As such, a Privacy Act Protective Order is necessary to allow Defendants to produce and file the information essential to the resolution of this case.

As such, the parties respectfully request that this Court enter the agreed upon protective order attached hereto as Exhibit A.

Date June 25, 2013

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CERTIFICATE OF SERVICE

I hereby certify that on June 25, 2013, the foregoing was filed electronically.

Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

s/Bradley B. Baniias
BRADLEY B. BANIAS
Trial Attorney
U.S. Department of Justice