

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RESIDENTIAL FINANCE CORPORATION,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 2:11-cv-00008
	:	
	:	JUDGE GREGORY L. FROST
	:	
	:	MAGISTRATE JUDGE MARK R. ABEL
	:	
UNITED STATES CITIZENSHIP and IMMIGRATION SERVICES,	:	
	:	
	:	
Defendant.	:	

PROTECTIVE ORDER

Residential Finance Corporation (“RFC”), seeks judicial review, under the section 10b of the Administrative Procedures Act (“APA”), 5 U.S.C. § 702, *et seq.* of the decision of the United States Citizenship and Immigration Services (“USCIS”) to deny the H-1B visa petition filed by Plaintiff RFC on behalf of Geza Rakoczi (hereinafter “Beneficiary”). (ECF No. 1) The USCIS’ administrative record is the subject of judicial review for claims under the section 10b of the APA, 5 U.S.C. § 702, *et seq.* The administrative record contains information and documents protected from disclosure by the Privacy Act of 1974, 5 U.S.C. § 552a. This “Confidential Information” consists of information or documents that pertain specifically to RFC or the Beneficiary, such as RFC’s proprietary business information and the Beneficiary’s personal residential, financial, and governmental assigned identification and travel documents (ex. state issued driver’s license, VISA, Employment Authorization Card, etc.). It is hereby ORDERED under 5 U.S.C. § 552(a)(b)(11), 38 U.S.C. § 5701(b)(2), and Federal Rules of Civil Procedure 26(c), 5.2(c), and (e)(2) that USCIS disclose to the Court and to counsel for RFC a copy of the

administrative record of the decision of the USCIS to deny the H-1B visa petition filed by Plaintiff RFC on behalf of the Beneficiary (Bates labeled documents 1 through 157) which contains Confidential Information, without obtaining prior written consent of the individuals to whom the records pertain. Such disclosure is subject to the following conditions:

1. The Confidential Information in the administrative record shall be used only for this litigation and shall not be disclosed outside this litigation.

2. Access to and disclosure of Confidential Information in the administrative record shall be limited to the Court, the parties, the Beneficiary, counsel for the parties and their paralegals and legal assistants. RFC shall not disclose Confidential Information from the administrative record to anyone other than the persons authorized under this Paragraph.

3. RFC's obligations set forth in this Protective Order shall apply to its counsel and anyone acting on behalf of RFC to the same extent as they apply to it.

4. This Protective Order does not affect any Confidential Information that RFC, its counsel or the Beneficiary, have in their possession from a source other than the administrative record, notwithstanding the fact that the Confidential Information also is reproduced in the administrative record.

IT IS SO ORDERED.

s/Mark R. Abel
United States Magistrate Judge