

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

RICHARD M. KENNEDY, III,	)	Civil Action No: 3:15-cv-1844-MBS-KDW
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
ROBERT A. McDONALD, SECRETARY	)	
	)	
Defendant.	)	

CONSENT PROTECTIVE ORDER REGARDING PRIVACY ACT

Plaintiff is an employee of the Dorn Veterans Administration Medical Center in Columbia, South Carolina. In this action, he challenges certain personnel actions and alleges discrimination in employment in violation of the Age Discrimination Act, (“ADEA”), 29 U.S.C.A. § 633a. It appears to the court that the parties need access to certain personnel files and possibly medical records that are protected from disclosure by the Privacy Act, 5 U.S.C. § 552a. Such records include personal information such as that routinely included in medical records and in personnel files. These records as well as other personnel records on federal employees are barred from disclosure in this litigation absent a court order under 5 U.S.C. § 552a (b)(11).

IT APPEARING to the court that the United States Attorney’s Office for the District of South Carolina has represented that these records contain information protected from disclosure by the provisions of the Privacy Act and that cannot be released without the express authorization from this court;

AND IT FURTHER APPEARING to the court that this case may involve additional

evidentiary documentation subject to the Privacy Act;

THE COURT therefore ORDERS that, pursuant to 5 U.S.C. § 552a(b)(11), Defendant and the Office of the United States Attorney for the District of South Carolina may release the subject records to the parties of this case as follows:

1. It is intended that this Order be construed solely to authorize the agency and the United States Attorney to comply with Plaintiff's discovery requests as an exception to the Privacy Act and that no other privilege or other grounds for objection to the request which are or may be possessed by Defendant are affected by this Order;

2. Documents or information identified in accordance with this Order shall be kept in strict confidence, used exclusively in connection with this litigation and parties being provided these documents or information shall be so advised;

3. Documents or information identified in accordance with this Order may be disclosed only to Plaintiff and Defendant in this action, their attorneys of record, expert witnesses, persons in the employ of counsel of record and under counsel's direct supervision, and the court. No further disclosure may be made absent further order of this court.

4. The documents or information identified in accordance with this Order, and all copies of such material, shall be returned to the United States immediately upon the conclusion of this litigation, including any appeals.

THE COURT FURTHER ORDERS that documents relating to the case that are subject to 5 U.S.C. § 552a may be submitted by all parties to this court.

IT IS SO ORDERED.

October 13, 2015  
Florence, South Carolina

A handwritten signature in black ink, reading "Kaymani D. West". The signature is written in a cursive style with a large initial "K" and a distinct "D." before the last name.

Kaymani D. West  
United States Magistrate Judge