

Sample Protective Order

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION BALTIMORE DISTRICT OFFICE

<hr/>]	Current EEO File No.:
IN THE MATTER OF:]	EEOC 123-45-6789X
]	
Ive Ben Wronged,]	
]	
Complainant,]	
]	
vs.]	AGENCY #1-H-234-4567-89
]	
Daniel Glickman,]	OFO Appeal #01234567
Secretary, Department of Agriculture,]	
]	
Agency.]	

PROTECTIVE ORDER

The parties hereto having stipulated to the entry of a Protective Order under 29 CFR 1614 et seq and Rule 26(c) of the Federal Rules of Civil Procedure and it appearing that such an Order is necessary and appropriate and will facilitate discovery, IT IS HEREBY ORDERED THAT:

Complainant may designate as “confidential” any documents, responses, electronic data, transcripts, or other information, including Responses to Discovery (hereinafter, “**Confidential Information**”) that is produced to the Agency which:

1. Related to health and/or medical issues (whether those of Complainant or others);
2. Relate to Complainant’s children and their school schedule(s); and
3. Similar material

All Confidential Information produced by Complainant and/or his treating medical sources are confidential and shall be subject to the provisions of this Order.

Documents and information designated Confidential Information in accordance with this Order shall be used solely for the purpose of this action or appeal, and those documents and information, and any information contained therein or reasonably inferred therefrom, shall not be disclosed to any person other than (a) counsel of record to this Order; (b) the Administrative Judge; (c) a medical expert retained by the Agency and (d) the EEOC’s Office of Federal Operations. Confidential Information disclosed to any such person shall not be disclosed by him/her to any other person not included within the foregoing subparagraphs (a) through (c) of this paragraph. No such documents or information

designated as confidential pursuant to this Order shall be used by any such person for any purpose other than for the preparation or trial of this action.

Within twenty-one days after final termination of this action, including any appeals, the Agency shall (a) return to opposing counsel all originals and copies of confidential documents or documents reflecting Confidential Information and any Confidential Information and (b) certify in writing that the provisions of this paragraph have been complied with.

Any document, exhibit, or transcript designated Confidential Information in accordance with this Order, and which is otherwise admissible, may be used at trial, provided, however, that the parties agree that they will work with the Court to identify trial procedures, such as filing under seal and/or in camera reviews, that will protect and maintain the private nature of highly sensitive information. If filed under seal, the protected information will nevertheless be accessible to the EEOC Office of Federal Operations.

Nothing contained in this Order, nor any action taken in compliance with it, shall operate as an admission or assertion by any witness or person or entity producing documents that any particular document or information is, or is not, admissible into evidence.

Nothing herein constitutes or may be interpreted as a waiver by any party of the attorney-client privilege, attorney work product protection, doctor-patient privilege or any other privilege.

Nothing in this Order shall prevent any party from using or disclosing their own documents or information, regardless of whether they are designated confidential.

IT IS SO ORDERED:

Administrative Judge Samuel Teitelman

AGREED TO:

Michael J. Snider, Esq.
Snider & Associates, LLC
Attorney for Complainant

Sam Shelton, Esq.
US Department of the Army
Attorney for the Agency