

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

JOHN J. O'BRIEN ET AL.

No. 12-CR-40026-FDS

PROTECTIVE ORDER

The government has represented to the Court that extensive discovery materials to be disclosed to counsel for the defendants as part of the government's disclosure obligations in the above-captioned case contain sensitive personal information of thousands of job applicants for employment with the Massachusetts Probation Department as well as former or current employees of the Massachusetts Probation Department.

Therefore, it is hereby ORDERED that:

As to any discovery materials produced by the government to the defendants in this case, defense counsel may disclose the document and its contents only to the defendant and to agents of defense counsel, including office support staff, litigation support vendors, investigators, and expert witnesses, who are necessary to assist counsel in this case. The documents and records produced in discovery shall be used solely for the purposes of litigating matters in this case and shall not be divulged to any other person, except as set forth herein.

If defense counsel believes it is necessary to question or interview third parties and, in so doing, to disclose documents or records received pursuant to the discovery process in this case, defense counsel must inform the party to whom disclosure is made of the existence of the protective order and require that the party sign an acknowledgment reflecting his or her

agreement to be bound by the terms of the protective order. The acknowledgment must be in the form attached hereto as Exhibit A.

Within the first seven days of each calendar month, defense counsel shall file the acknowledgment forms with the Court ex parte and under seal. If the government believes that it should receive notice of persons to whom defense counsel reveals discovery documents or records, it may file a motion making such a request and identifying specifically the relevant facts, circumstances or law in support thereof.

Notwithstanding the above, either party may request the Court to exempt certain discovery documents and records from this order on the grounds that no basis exists to subject the documents or records to the restrictions contained herein. Such a request shall be made by motion, in compliance with Local Rule 7.2, and shall follow the filing procedures set forth herein. The documents or records will remain subject to this order unless and until the Court allows the motion. Moreover, the parties may agree that particular documents or records are not subject to this order, provided the government maintains a list of such documents or records and files the list within the first seven days of each month with the Court.

Submissions to the Court referring to documents or records received pursuant to the discovery process shall be filed (i) at least temporarily under seal, and (ii) with a proposed redacted version to be made, upon order of the Court, part of the public record if the complete document is not unsealed. Any submissions to the Court referring to documents or records received pursuant to the discovery process do not have to be filed under seal if the parties agree beforehand that the documents do not contain sensitive personal information.

IT IS SO ORDERED.



Hon. Leo T. Sorokin, U.S.M.J.

Date: _____

Sep 19, 2012

Exhibit A

Acknowledgement of Protective Order

I, _____, have read the Protective Order dated _____, a copy of which is attached hereto. Specifically, I understand that I may not divulge the contents of documents or other information covered by this Order to any other individual. I understand that a willful violation of this Order may be deemed a civil and/or criminal contempt.

I declare under penalty of perjury that the foregoing is true and correct. Executed this _____ day of _____, 2012.
