

United States District Court
District of Massachusetts
Western Section

ROSIE D., et al.,

Plaintiffs

v.

Civil Action No.
01-30199-MAP

JANE SWIFT, et al.,

Defendants

PROTECTIVE ORDER

After due consideration of the parties' request for a protective order to govern the disclosure and access to confidential documents as well as the treatment and maintenance of confidential documents by any party or third party, it is hereby Ordered and Adjudged:

1. The following documents and information shall be deemed "Confidential Information" and be governed by this Protective Order: All documents and records which include the full actual names (but not initials) and all photographs and videotapes which depict the faces of the individual plaintiffs and members of the plaintiff class or their families, or other personally-identifiable information about the plaintiffs and classmembers or family members.

2. In all pleadings filed with the Court, the parties will refer to the plaintiffs and the parents or guardians of the plaintiffs, by their first name and last initial. The parties shall ensure that only the first name and last initial of any plaintiff, or parent or guardian of a plaintiff, are readable in any document filed with the Court. Separate provision may be made for lengthy documents submitted in an evidentiary hearing.

3. Subject to the rules of evidence, this protective order, and any other orders of the Court, confidential information, material, and documents may be used in a pleading, filing, hearing, trial, or other proceeding in the matter of Rosie D. et al. v. Swift, et al., C.A.

No. 01-30199-MAP, without being sealed. However, the party who produced the confidential information may at the time of such proposed submission request that the material be sealed by the Court. The person who is the subject of such confidential material, or that person's legal guardian, may authorize its use for any other purpose. Any confidential material used in any court document or proceeding shall not lose its confidential status through such use, unless the Court orders otherwise.

4. All confidential material and information shall be controlled and maintained in a manner that precludes access by any person not entitled to access under this Order. Confidential material shall be disclosed only to the following persons:

- (a) counsel, including paralegal, investigative, secretarial, and clerical personnel who are engaged in assisting such counsel in the above-entitled action;
- (b) any independent outside expert or consultant, and employees and assistants under the control of such an expert or consultant, who is engaged by counsel in this litigation, whether or not such expert is paid directly by a party;
- (c) any employee of a party who is requested by counsel for such party to work directly on the above-entitled action;
- (d) any deposition or trial witness;
- (e) any person who authored or received the particular confidential material sought to be disclosed to that person;
- (f) any court or other reporter or typist recording or transcribing testimony; or
- (g) the Court.

Confidential material shall not be disclosed to persons described in paragraphs 3(b), (c), or (d), until such persons has been provided with a copy of this Order and has agreed to abide by and comply with the terms and provisions therein.

5. This Order shall not prevent a party from applying to the Court for relief therefrom, or from applying to the Court for further or additional protective orders, or from agreeing to modification of this Order.

6. Upon conclusion of the above-entitled action, the provisions of this Order shall continue to be binding. This Order shall remain in force and effect until modified, superseded, or terminated by consent of the parties or by Order of this Court.

By the Court:

Dated: December __, 2001