

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

_____	)	
SONDRA HYMAN, et al.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 94-1043 (RCL)
	)	
FIRST UNION CORP., et al.,	)	
	)	
Defendants.	)	
_____	)	

**ORDER**

Before the court is the Motion [368] to Set Aside Protective Order filed by plaintiffs' counsel in a different case, Brooks v. First Union Corp., ("Brooks' Counsel"), now pending in the New Jersey state court. Brooks' Counsel seeks to intervene in these proceedings and seeks to compel defendants to disclose documents sealed under a Protective Order and Joint Stipulation approved by the court on March 1, 1996 ("POJS").

In 2001, this court denied a similar request for these documents made by another would-be intervener, the Equal Opportunity Employment Commission. For similar reasons, this court will deny Brooks' Counsel's request.

Regardless of whether the Federal Civil Rules permit intervention in this case, Brooks' Counsel's motion for a modification to the POJS must fail. "Once a confidentiality order has been entered and relied upon, it can only be modified if an "extraordinary circumstance" or "compelling need" warrants the requested modification. F.D.I.C. v. Ernst & Ernst, 677 F.2d 230, 232 (2d Cir. 1982); Hyman v. First Union Corp., No. 94-1043, Slip Op. at 5 (D.D.C. June 21,

2001). Brooks' Counsel desire to use in other litigation certain documents apparently protected by the POJS is not an extraordinary circumstance nor does it give rise to a compelling need. C.f. Martindell v. Int'l Tel. and Tel. Corp., 594 F.2d 291, 298 (2d Cir. 1979) (holding, contrary to some other circuits, that a protective order in a civil case keeping a deposition under seal ensured, absent extraordinary circumstances or compelling need, that the deposition could not be used against the deponent in a separate criminal proceeding).

The parties in the Hyman litigation reached a settlement and were able to negotiate more freely because the parties relied on guarantees of confidentiality. The court will not undermine the faith of these litigants or other litigants in the protective orders that courts issue.

For these reasons, it is hereby

ORDERED that Brooks' Counsel's Motion [368] to Set Aside Protective Order is DENIED.

SO ORDERED.

Signed by Royce C. Lamberth, United States District Judge, June 10, 2005.