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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

FILED
CHARLOTTE, N.C.

MAY 16 AM 9:45

U.S. DISTRICT COURT
W. DIST. OF N.C.

Clerk, U. S. Dist. Court

W. Dist. of N. C.

U.S. EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)
)
Plaintiff,)
)
v.)
)
MASONRY REINFORCING CORP.)
OF AMERICA,)
)
Defendant.)
_____)

CIVIL ACTION
NO. 3:01CV549-V

CONSENT PROTECTIVE ORDER

Defendant Masonry Reinforcing Corporation of America ("Defendant") has requested that Plaintiff U.S. Equal Employment Opportunity Commission ("EEOC") produce confidential medical records in the form of mental health records related to Carolyn T. Mancinelli. The EEOC has agreed to provide documents responsive to this request, subject to this Consent Protective Order. Said documents will be marked with a notation of "Confidential." Due to the need to protect the confidentiality of these documents and the information contained within during this action, the parties have agreed, and it is hereby ORDERED, that:

1. The confidential documents and information covered by this Order may be disclosed by Defendant's counsel to Defendant, but may not be disclosed by Defendant or their counsel to any other person except as provided by this Order.
2. Defendant's counsel may disclose documents and information covered by this Order to their staff or expert medical consultants working with them on this case (provided that such persons shall be bound by this Order), and may use them in the deposition of Carolyn Mancinelli.

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a. If the confidential documents covered by this Order are used as exhibits during any depositions in this matter, the confidential documents shall be marked as exhibits, placed in an envelope marked "Confidential," and maintained with the deposition transcript in a like manner as other deposition exhibits. Defendant and its counsel shall maintain and secure the original and any copies of the confidential documents that have been marked as deposition exhibits in such a way as to ensure that no person not identified in this Order has access to the confidential documents.

b. The EEOC shall have thirty (30) days after receipt of the transcript or thirty (30) days after the entry of this Order, whichever is later, to designate portions of the transcript that relate to the mental health record of Carolyn Mancinelli as confidential information subject to this Order, and inform counsel of record in writing of such designation. Any pages from the transcript that are designated as containing such confidential information will be placed in an envelope marked "Confidential," and maintained with the deposition transcript in a like manner as other deposition exhibits. Defendant and its counsel shall maintain and secure the original and any copies of deposition transcript pages containing confidential information in such a way as to ensure that no person not identified in this Order has access to the confidential information.

3. Counsel may disclose confidential documents and information to the Court as may be relevant in support of or opposition to any motion. Prior to Defendant's use of confidential documents and information for this purpose, Defendant's counsel will take the appropriate steps, including those prescribed in Rule 5.1(D) of the Local Rules for the Western District of North Carolina, to ensure the documents and information are sealed and do not become available to the public.

4. Counsel may disclose confidential documents and information covered by this Order

at trial to the extent needed to sustain any claim or defense, or to conduct any examination or cross examination of Carolyn Mancinelli. To the extent that such confidential documents are made a part of the record at trial, Plaintiff's and Defendant's counsel agree that such documents will be placed under seal.

5. Counsel for Defendant and Plaintiff shall first attempt to resolve between themselves any disputes over the disclosure of confidential documents covered by this Order. If they are unable to agree on any such issue, any counsel may bring such issue before the Court for decision as may be appropriate; however, no disclosure of such documents shall occur pending resolution of any dispute under this subparagraph.

6. Documents produced pursuant to this Order shall not be used for any purpose other than evidence in this litigation and may not be disclosed under any circumstances to anyone not specifically identified in this document.

7. There shall be no reproduction of the material produced to Defendant except as required in this litigation. Copies, excerpts, or summaries may only be shown or given to those individuals authorized pursuant to paragraphs 1, 2, and 3 above.

8. Documents produced pursuant to this Order and all copies, excerpts, or summaries thereof, except for such material that has become a part of the record in this action, shall be returned to the EEOC upon completion of this litigation.

IT IS SO ORDERED.

This the 16th day of May, 2002.



United States Magistrate Judge


WE ASK FOR THIS:

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,
Plaintiff.**

GWENDOLYN YOUNG REAMS
Associate General Counsel

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
1801 L Street, N.W.
Washington, DC 28507

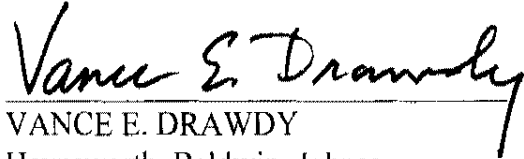
MINDY E. WEINSTEIN
Regional Attorney



DAVID S. YUEN
Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
129 West Trade Street, Suite 400
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Telephone: (704) 344-6888

**MASONRY REINFORCING
CORPORATION OF AMERICA,
Defendant.**



VANCE E. DRAWDY
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& Greaves, L.L.C.
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Greenville, SC 29603-0888
Telephone: (864) 241-7410

United States District Court
for the
Western District of North Carolina
May 16, 2002

* * MAILING CERTIFICATE OF CLERK * *

Re: 3:01-cv-00549

True and correct copies of the attached were mailed by the clerk to the following:

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cc:
Judge ()
Magistrate Judge ()
U.S. Marshal ()
Probation ()
U.S. Attorney ()
Atty. for Deft. ()
Defendant ()
Warden ()
Bureau of Prisons ()
Court Reporter ()
Courtroom Deputy ()
Orig-Security ()
Bankruptcy Clerk's Ofc. ()
Other _____ ()

Date: 5/16/02

Frank G. Johns, Clerk
By: M. Yelton
Deputy Clerk