

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JENNIFER REYNOLDS, ASHLEY	:	NO. 1:07-CV-01688-CCC
McCORMICK, HERBERT CARTER,	:	
and DEVON SHEPARD, both	:	
individually and on behalf of a class	:	Judge Thomas I. Vanaskie
of others similarly situated,	:	
Plaintiffs	:	
	:	
v.	:	CIVIL ACTION – LAW
	:	
THE COUNTY OF DAUPHIN,	:	JURY TRIAL DEMANDED
Defendant	:	

PROTECTIVE ORDER

Pursuant to a telephone conference held with counsel for Plaintiffs and Defendant on January 4, 2008, and an order proposed by Defendant, The County of Dauphin, **IT IS HEREBY ORDERED** as follows:

1. Confidential Information. Confidential information shall include the name, address, telephone numbers, date of birth, date of arrival at the Dauphin County Prison, identity and telephone number of next of kin, offense charged, and the video and photographic images of individuals taken at the Dauphin County Prison.

[REDACTED]

TIV
1-14-08

2. Application. With the exception of any and all video and photographic images taken at the Dauphin County Prison, this Protective Order does not apply to the records of the named plaintiffs. In the event a pretrial detainee becomes a named plaintiff, upon actual joinder to this pending action, this Protective Order shall no longer apply to the additional named plaintiff(s), with the same exception for video and photographic images taken at the Dauphin County Prison.

3. Video Images of named Plaintiffs. Defendant, The County of Dauphin, is ordered to produce DVD's which show images of the four named Plaintiffs from 12 of the 14 cameras in the entrance, lobby and booking areas of the Prison, as follows: two of the four video cameras from the North Sally area (NSally, NSallyEntrance), the camera from the Medical Corridor, the two Bullpen cameras (Bullpen1 and Bullpen2), and cameras from Intake and Intake 2, Shakedown1, Shakedown2, Shakedown3, Shakedownhall1 and Shakedownhall2.

4. Documents and Material Stamped "CONFIDENTIAL". Defendant's disclosure to Plaintiffs of the documents and material designated "confidential" shall be marked "CONFIDENTIAL" in a manner that will not interfere with legibility. The Defendant shall stamp the documents and material as "CONFIDENTIAL" prior to the actual release of the documents. In the case of documents and material which cannot be marked page by page, Defendant may designate such materials in a covering memorandum or letter, or by marking the file or media label "CONFIDENTIAL."

5. Limitations On Disclosure of Confidential Documents and Material. With the exception of the video and photographic images taken at the Dauphin County Prison, Confidential documents and material may be reproduced and disseminated to counsel of record, regular employees of counsel assigned to and necessary to assist in the conduct of this action, any experts retained by the parties' Counsel and the named Plaintiffs. With respect to the video and photographic images taken at the Dauphin County Prison, Plaintiffs' counsel is prohibited from reproducing the data and providing copies to any person except counsel for Plaintiffs, said counsel's regular employees, any investigators retained by Plaintiffs' counsel, and any expert retained by counsel. Plaintiffs' counsel, or their investigator, are permitted to show the video and photographic images to the named Plaintiffs, as well as prospective class members, to facilitate their investigation relative to the claims raised in the lawsuit. No copies of the images, however, shall be distributed to the class representatives, class members, or potential class members.

6. Conditions on Disclosure. Any person who receives Confidential documents or material must sign a statement agreeing to be

bound by this Order. The signed statement, as annexed hereto as Exhibit "A" shall contain:

- (a) a recital that the signatory has read and understands this order; and
- (b) a recital that the signatory understands that unauthorized disclosure of the Confidential documents or material constitutes contempt of Court.

7. Confidential Information in Deposition Transcripts. The attorneys for the parties may, within fifteen (15) days after receiving any deposition transcript, designate pages of the transcript and/or exhibits thereto as Confidential, as these transcripts may implicate Confidential information as defined in this order. Until expiration of the fifteen (15) day period, the entire deposition will be treated as subject to protection against disclosure under this Protective Order. If the attorneys for the parties do not designate information in a deposition or its exhibit as Confidential, then the transcript and its exhibits will be not treated as confidential. The parties need not re-designate as Confidential a document previously so designated; e.g., a document designated as Confidential and later marked as a deposition exhibit need not be designated as Confidential a second time because it is marked as a deposition exhibit.

8. Confidential Information at Trial. The documents and material that have been marked Confidential pursuant to this Order shall continue to be treated as Confidential at trial. At trial the Court may determine how the documents and material shall be kept confidential at trial.

9. Filing. The Confidential documents and material need not be filed with the Clerk, except when required in connection with motions under Rule 56 of the FRCP or other matters pending before the Court. If filed, they shall be filed under seal and shall remain sealed while in the office of the Clerk, with such seal being removed after a period of time designated by this Court.

10. Client Consultation. Nothing in this Order shall prevent or otherwise restrict counsel from advising their actual client(s), and in the course thereof, relying generally on examination of stamped Confidential

documents and material; provided, however, that in rendering such advice and otherwise communicating with such client(s), counsel shall not make specific disclosure of any item designated Confidential and shall have the client adhere to the Protective Order, including paragraph 5 above.

11. Use. Anyone who obtains access to Confidential documents or material shall use the information only for preparation and trial of this litigation and shall not use such information for any other purpose.

12. Non-termination. The provisions of this Protective Order shall not terminate at the conclusion of this action. Within thirty (30) days after final conclusion of all aspects of this litigation, Confidential documents and material and all copies of same (other than unsealed exhibits of records) shall be returned to the Defendant or, at the option of Defendant, destroyed. All counsel of record who have received documents and material marked as Confidential shall make certification of compliance herewith and shall deliver the same to counsel for the Defendant not more than sixty (60) days after final termination of this litigation.

13. Attorneys' Responsibilities. All attorneys of record who have received material marked Confidential are responsible for employing reasonable measures to control, consistent with this Protective Order, duplication of, access to, and distribution of documents and material stamped Confidential.

14. The Court retains the right to allow the disclosure of any subject covered by this Order or to modify this Order at any time in the interest of justice.

IT IS SO ORDERED:



Honorable Thomas I. Vanaskie,
United States District Judge

Date: 1-14-08



**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JENNIFER REYNOLDS, ASHLEY	:	NO. 1:07-CV-01688-CCC
McCORMICK, HERBERT CARTER,	:	
and DEVON SHEPARD, both	:	
individually and on behalf of a class	:	Judge Thomas I. Vanaskie
of others similarly situated,	:	
Plaintiffs	:	
	:	
v.	:	CIVIL ACTION – LAW
	:	
THE COUNTY OF DAUPHIN,	:	JURY TRIAL DEMANDED
Defendant	:	

CERTIFICATION

1. My name is _____ I live at _____ I am employed as _____ (state position) by _____ (state name and address of employer).

2. I have read the Protective Order that has been entered in this case, and a copy of it has been given to me. I understand the provisions of this Order, and agree to comply with and to be bound by its provisions.

3. I understand that violation of the Protective Order constitutes contempt of Court and shall be punishable by the Court.

4. I declare under penalty of perjury that the foregoing is true and correct.

Executed this ____ day of _____, 2008

By:

Exhibit "A"