

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

Manuel de Jesus Ortega Melendres, et al.

CIV-07-02513-PHX-GMS

Plaintiff,

**ORDER**

v.

Joseph M. Arpaio, et al.,

Defendants.

Having considered the Unopposed Motion for a Protective Order (Dkt. # 275), and good cause appearing,

**IT IS HEREBY ORDERED** that the Immigration and Customs Enforcement (ICE) may disclose to the parties' counsel documents subject to the Privacy Act, 5 U.S.C. § 552(a), and documents containing personal identifying information covered by the law enforcement privilege, subject to the following Protective Order.

**PRIVACY ACT ORDER**

1. Pursuant to 5 U.S.C. § 552a(b)(11), and subject to the conditions described below, ICE is authorized to release to the parties' counsel government records containing Privacy Act protected information which was subpoenaed by each party. ICE may disclose this information contained within the documents to the parties' counsel without obtaining prior written consent of the individuals to whom those records pertain and such disclosure shall not violate the Privacy Act.

2. The parties shall take reasonable steps to protect the privacy interests of the third-party individuals contained within the documents. These documents shall be used by

1 the parties only for purposes of litigating this case, including any subsequent appeals.  
2 Persons receiving copies of protected documents, or the contents of protected documents,  
3 subject to this Protective Order, shall not use such documents or other information for any  
4 other purpose. At the conclusion of this litigation, including any subsequent appeals, the  
5 parties' counsel will retrieve all copies of the documents that they have provided to staff or  
6 experts and destroy the copies or return them to the United States Attorney's Office for the  
7 District of Arizona care of AUSA Ann E. Harwood or her designee. If the documents that  
8 are retrieved by counsel are destroyed, counsel shall so notify AUSA Harwood or her  
9 designee in writing.

10 3. If the parties intend to file documents containing personally identifiable  
11 information in the Court file or use them as exhibits to depositions, they shall take steps to  
12 protect the privacy of the individuals identified in these records through redaction of  
13 personally identifying information as required by the District of Arizona, Electronic Case  
14 Filing Administrative Policies and Procedures Manual, § I(E), Privacy (Jan. 25, 2008) and  
15 Rule 5.2 of the Federal Rules of Civil Procedure. Prior to the filing or use of these  
16 documents as exhibits to depositions, or at trial, the parties shall confer with and provide a  
17 redacted copy of the document to AUSA Harwood.

18 4. The United States and specifically, ICE, and its officers, employees, or  
19 attorneys, shall not bear any responsibility or liability for any unauthorized disclosure of any  
20 documents obtained by counsel under this Privacy Act Order, or of any information  
21 contained in such documents.

22 5. This Order does not constitute any ruling on the question of whether any  
23 particular document or category of information is properly discoverable and does not  
24 constitute any ruling on any potential objection to the discoverability, relevance, or  
25 admissibility of any record, other than objections based on the Privacy Act and/or the law  
26 enforcement privilege in regards to personally identifiable information.

27 DATED this 1st day of March, 2010.

28 

G. Murray Snow  
United States District Judge