

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,	:	Civil Action No. 06-1453 (JAP)
	:	
	:	
Plaintiff,	:	PROTECTIVE ORDER
	:	
v.	:	
	:	
UNITED PARCEL SERVICE, INC.,	:	
	:	
	:	
Defendant.	:	
	:	

Defendant United Parcel Service (“UPS”) having requested entry of a protective order; and Plaintiff Equal Employment Opportunity Commission (“EEOC”) having objected to several provisions contained in EEOC’s proposed Order; and the Court, having reviewed the submissions of the parties and heard oral argument on May 17, 2007; and for good cause having been shown (*see Pansy v. Borough of Stroudsburg*, 23 F.3d 772, 787 (3d Cir. 1994)) and for the reasons stated on the Record, it is, on this 31st day of May, 2007, hereby

ORDERED that the following documents and types of documents shall remain confidential between the parties pursuant to FED.R.CIV.P. 26(c):

- (a) the names, acronyms, and identity of UPS computer systems, databases, programs, and software;
- (b) the identity of UPS intranet sites;
- (c) methods of access, usage requirements, and limitations relating to UPS computer systems, databases, programs, software, and Intranet;
- (d) any modifications, additions, and exclusions relating to UPS computer systems, databases, programs, software, and intranet;
- (e) the identity, description, methods of access, usage requirements, and limitations relating to computer systems, databases, programs, and software used by UPS, but provided, maintained or

transmitted by third-parties;

(f) the identity of any third-parties with whom UPS works or contracts to obtain, maintain, store, or transmit information relating to job applicants and employees;

(g) contracts and other confidential or proprietary information between or among UPS and any third-party relating to computer systems, databases, programs, software, web-based applications, and its intranet;

(h) data fields relating to any system, database, program, web-based application, or software maintained by UPS or utilized by UPS;

(i) data dictionaries or record layout;

(j) field or data elements;

(k) explanatory codes/values;

(l) explanatory tables;

(m) codebooks;

(n) table descriptors;

(o) the location of documents on UPS computer systems and/or intranet;

(p) online/Web-based non-personnel manuals; and

(q) Web listings;

(r) names, addresses, social security numbers, and phone numbers of UPS employees and applicants as found in the confidential fields in the GEMS and CATS systems;

(s) UPS employees' job titles and relative dates of employment;

(t) confidential compensation information, including employee salaries, bonuses and benefits.

Human Resources professionals are the only employees who have viewing access to GEMS data; and it is further

ORDERED that at the conclusion of this litigation, upon demand, all confidential material protected by this Order produced in this litigation, including any copies thereof and summaries or descriptions thereof contained in other documents, shall be returned to the counsel for the party that produced it; and it is further

ORDERED that alternatively, the party holding such materials may elect to destroy them (in lieu of returning the confidential material) or the parties' counsel may maintain one copy of the confidential documents in their respective file; and it is further

ORDERED that if counsel for a party elects to maintain the confidential material after the conclusion of the litigation, counsel must continue to maintain them as confidential unless and until they are destroyed; and it is further

ORDERED that should Plaintiff seek to rely on any material deemed confidential in any filing with the Court, Plaintiff must give Defendant no fewer than ten days' notice of Plaintiff's intent to do so; and it is further

ORDERED that should Defendant seek to seal any confidential material used in connection with any filing with the Court, it must move pursuant to *L.Civ.R.* 5.3 for an Order sealing said material; and it is further

ORDERED that the telephone conference with this Court scheduled for **June 1, 2007 at 10:30 A.M.** is hereby ADJOURNED.

s/ Tonianne J. Bongiovanni
HONORABLE TONIANNE J. BONGIOVANNI
UNITED STATES MAGISTRATE JUDGE