

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

- against -

THE SILVERCREST CENTER FOR NURSING AND  
REHABILITATION, a/k/a SILVERCREST EXTENDED  
CARE FACILITY,

Defendant.

**INTERIM  
STIPULATION AND  
ORDER OF  
CONFIDENTIALITY  
FOR PURPOSES OF  
SETTLEMENT**

12-CV-4808  
(NG) (RLM)

Counsel having given their consent,

**IT IS HEREBY ORDERED THAT:**

1. Under Federal Rule of Civil Procedure 26(c), this Interim Stipulation and Order of Confidentiality for Purposes of Settlement Discussions (“Interim Stipulation and Order”) shall govern the use of medical/health and educational records to the extent such documents are designated “Confidential – Settlement” by the producing party pursuant to this Stipulation and Order.
2. Medical/health and educational records produced under this Interim Stipulation and Order may be designated as Confidential – Settlement. Any such document labeled “Confidential - Settlement” shall be treated as confidential and used only for settlement purposes, subject to further anticipated stipulations between the parties and/or Court orders governing the parties’ designation of confidential documents in this action if the parties do not promptly reach a settlement agreement. Confidential – Settlement documents may not be used for any other purpose, including any other litigation purpose.
3. The production of documents under this Interim Stipulation and Order does not relieve the producing party of its obligation to fully comply with its discovery obligations under the

Federal Rules of Civil Procedure. The producing party may not delay or withhold production of documents on the basis that such documents have been produced under this Interim Stipulation and Order solely for purposes of settlement discussions.

4. Confidential – Settlement documents may only be disclosed to:
  - (a) Attorneys of any party, and employees or agents of such attorneys, but only for purposes of settlement in this action;
  - (b) Consultants and their employees, consulted by any party or counsel, but only for purposes of settlement in this action; and
  - (c) Parties or any officers or directors thereof who have a need to know the information for purposes of settlement in this action.

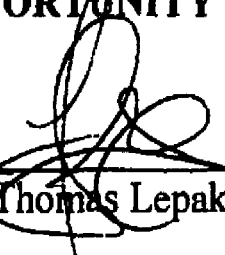
5. Confidential – Settlement documents shall remain in the custody of the parties or the attorneys for the parties, unless otherwise authorized by this Stipulation and Order. This Order is binding on all people to whom Confidential – Settlement documents are disclosed. All people who receive Confidential – Settlement documents must agree to be bound by this Order. Counsel for each party has the responsibility to avoid disclosure of Confidential – Settlement documents to people not authorized under this Order. Counsel for each party has the responsibility to disclose the terms of this Order to any person who receives Confidential – Settlement documents under this Order, to obtain their agreement to be bound by the terms of this Order, and to notify them that anyone who violates the provisions of this Order is subject to the contempt powers of this Court.

6. This Order is subject to modification at any time by written agreement of all parties to this lawsuit <sup>and</sup> upon Court Order. Any person may seek an Order to modify or vacate this Order.

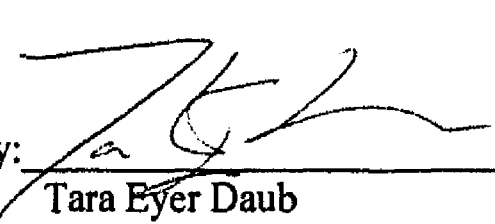
Dated: July 9, 2013

CONSENTED TO:

**EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION**

By:   
Thomas Lepak

**NIXON PEABODY LLP**

By:   
Tara Eyer Daub

33 Whitehall Street, 5<sup>th</sup> Floor  
New York, New York 10004  
(212) 336-3690

50 Jericho Quadrangle, Suite 300  
Jericho, New York 11753  
(516) 832-7500

*Attorneys for Plaintiff*

*Attorneys for Defendant*

**SO ORDERED:**

**SO ORDERED:**

/s/  
Roanne L. Mann  
U.S. Magistrate Judge

Dated: 7/9/13

Hon. Roanne L. Mann, U.S.M.J.

Date