

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA**

THE UNITED STATES OF AMERICA,  
Plaintiff,

vs.

THE STATE OF OKLAHOMA; THE HONORABLE BRAD HENRY, Governor of the State of Oklahoma, in his official capacity only; THE OKLAHOMA OFFICE OF JUVENILE AFFAIRS; ROBERT E. CHRISTIAN, Executive Director of the Oklahoma Office of Juvenile Affairs, in his official capacity only; THE OKLAHOMA BOARD OF JUVENILE AFFAIRS; LONELLIA L. SIMMONS, Chairperson of the Oklahoma Board of Juvenile Affairs, in her official capacity only; and JIMMY MARTIN, Superintendent of the L.E. Rader Center, in his official capacity only,

Defendants.

Case No. 06-CV-673-GKF-FHM

**PROTECTIVE ORDER**

Pursuant to the Federal Rules of Civil Procedure, and for purposes of protecting the rights of privacy of certain individuals against unreasonable disclosure of information pertaining to them, IT IS HEREBY ORDERED as follows:

1. The parties hereto shall adhere to this Protective Order to protect the confidentiality and privacy interests of certain current and former State employees' identifying information and certain information identifying current or former residents of Rader. This Protective Order binds only the parties to this litigation and other persons or entities who receive materials protected by the Protective Order as authorized herein in the course of the litigation. This Protective Order is not intended to expand the access of

persons to information to which they would not otherwise have access to under law, or to restrict the access of persons to information to which they otherwise would properly have legal access.

2. Names, social security numbers, addresses, photographs or electronic images and any other information that would personally identify current or former residents of Rader shall be subject to the conditions set forth in this Protective Order.

3. Information included in ¶¶ 1 and 2 above shall be treated as confidential by the parties, and shall not, except as provided below or with the consent of the parties, consent of the subject former or current State employee, consent of the subject current or former resident, if capable of providing consent, or consent of the current or former resident's parent or guardian, or by Court order, be shared with any entities except the following: (a) the parties and officers and employees of the parties; (b) the parties' counsel and employees assisting counsel in this case; (c) consultants, experts, or other persons retained in good faith to assist the parties or the parties' counsel in this case; (d) court reporters recording testimony at trial or in any deposition in this case; (e) persons noticed for depositions or potential witnesses to the extent reasonably necessary in preparing to testify in this case; (f) the Court, as part of the proceedings in this case; and (g) any person designated by the Court in the interests of justice, upon such terms as the Court may deem proper.

4. Should any party desire to disclose confidential information to agencies, entities or persons not listed herein, and be unable to obtain consent of the other parties, the party seeking disclosure may proceed by motion to obtain a Court Order for

such disclosure. The motion should advise whether expedited treatment of the request to disclose confidential information is required.

5. Defendants shall be responsible for placing upon any documents that they believe contain confidential information a header at the top of the document and a footer at the bottom of the document with the following language: “Designated Confidential by the State of Oklahoma - FOR USE ONLY IN USA v. Oklahoma, State of et al CIV 06-673 1USvOK000001.”

6. Documents exchanged in this case which have been erroneously marked with a confidential information header and footer bearing the case number CIV 06-579 shall be subject to the terms of this Protective Order.

7. The United States shall adhere to the requirements of Federal law, including the Freedom of Information Act (“FOIA”), 5 U.S. C. § 552. In the event of a request pursuant to FOIA for documents containing confidential materials, the United States agrees to assert all applicable exemptions in protecting any such confidential materials, including 5 U.S.C. § 552(b)(7)(A), (b)(6), (b)(7C), and (b)(7)(D).

8. If any information included in ¶ 2 is used as an exhibit to a court filing or admitted into evidence as an exhibit at trial, the parties shall either redact or otherwise obscure the name or names of the individual(s) and substitute a pseudonym and/or other code, or file the material under seal of the Court.

9. The parties shall ensure that the provisions of this Protective Order are made known to all individuals involved in this case and all authorized individuals who receive protected information. The attorneys of record are responsible for employing reasonable

measures to control, consistent with this Order, duplication of, access to, and distribution of protected information.

10. Any party to this Protective Order may challenge any designation as “confidential” by filing a motion seeking to have the protected material made public. Each party reserves the right to move to modify the terms of this Protective Order at any time, and each party reserves the right to oppose any motion to modify the terms of this Protective Order.

11. Except for the limitations outlined in ¶ 3 above, it is further ordered that confidential information shall be used solely for this case and no other purpose without leave of Court and notice to the party who produced the document and designated it as confidential.

SO ORDERED this 1st day of June, 2007.

  
FRANK H. McCARTHY  
UNITED STATES MAGISTRATE JUDGE