

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	CASE NO. 2:12-cv-01282-JLR
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	LIMITED PROTECTIVE ORDER
v.)	
)	
CITY OF SEATTLE,)	
)	
Defendant.)	
)	
)	(Please note on motion calendar for:
)	September 20, 2012)

I. STIPULATION

The Parties are currently engaged in the process of selecting a monitor pursuant to the Parties' Settlement Agreement and Stipulated [Proposed] Order of Resolution (Dkt. No. 3-1) and have received numerous applications. Paragraph 208 of the Parties' Settlement Agreement and Stipulated [Proposed] Order of Resolution (Dkt. No. 3-1) requires potential monitor candidates to provide the Parties with detailed and specific budget and staffing information as part of their proposals. Some Monitor candidates have expressed reservations about providing information that will be subject to disclosure. To ensure the free exchange of this information, and to protect the integrity of the selection process, the Parties agree that it is necessary to prevent the

1 disclosure of applicants' follow-up responses that may include detailed budget and staffing
2 proposals, during the selection process and that sensitive, proprietary information should be
3 protected beyond the end of the selection process. In order to address these issues, the Parties to
4 the above-referenced action, by and through their counsel of record, hereby STIPULATE,
5 AGREE, and JOINTLY REQUEST the Court to issue the attached limited protective order. The
6 Parties also stipulate and agree to be bound by the conditions, definitions, and terms of the
7 limited protective order.

8 Stipulated to and presented by this 20th day of September, 2012.

9 For the UNITED STATES OF AMERICA:

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1 **II. [PROPOSED] ORDER**

2 THIS MATTER came before the Court on the parties' Stipulation for a Limited
3 Protective Order regarding the confidentiality of follow-up responses submitted to the parties by
4 applicants for the monitor position. Having considered the stipulation of the parties, it is now
5 hereby ORDERED that all parties shall keep the records and materials covered by this order
6 confidential and shall not make any further disclosure of the information contained in these
7 records or materials without the express consent of this Court except as provided in paragraph B
8 below.

9 **A. DEFINITIONS**

10 "Confidential Material" includes all information and documents submitted by or to
11 monitor applicants in response to follow-up requests by the parties, including, but not limited to
12 budget and staffing information.

13 "Proprietary Information" includes Proprietary data, trade secrets, or other information
14 that includes or relates to: (a) An applicant's unique methods of conducting business; (b) data
15 unique to the product or services of the applicant; or (c) determining prices or rates to be charged
16 for services, submitted by any applicant as part of the selection process. If Applicants believe in
17 good faith that information they are submitting is Proprietary Information, Applicants may
18 designate information they consider proprietary in their submissions.

19 **B. SCOPE, TERMS, AND REQUIREMENTS OF THIS ORDER**

20 1. During the Monitor selection process, no Confidential Materials may be released
21 or disclosed to any person other than:

- 22 a. The parties and their counsel;
23 b. The Court and its personnel;

1 c. Stenographers, their staffs, and professional vendors providing litigation
2 support services to whom disclosure is reasonably necessary for this
3 litigation; and

4 d. Outside consultants and experts consulted or retained, by the parties and
5 their counsel, for the purpose of assisting the parties and their counsel to
6 present or prepare their respective positions in the above-captioned action,
7 and/or in any appeal thereof.

8 2. Confidential Material shall be used only for purposes of selecting a monitor. Use
9 of such material for other purposes is strictly prohibited without further order of the Court or
10 stipulation of the parties.

11 3. No person having access to Confidential Material shall release or disclose those
12 materials to any person other than those specifically identified in paragraph 2, above, without
13 further order of the Court or stipulation of the parties.

14 4. If a Party receives a request to disclose any documents or information covered by
15 this Order, the Party will provide the requester with a copy of this Order.

16 5. To the extent that any Confidential Material subject to this Order is proposed to
17 be filed or are filed with the Court, the parties agree they will seek to file all such Confidential
18 Material under seal pursuant to a stipulation between the parties or motion in accord with Local
19 Rule 5(g), unless the parties agree that the documents can be redacted to remove the confidential
20 information.

21 6. After the conclusion of the selection process and the final selection of a monitor,
22 Confidential Materials may be subject to disclosure pursuant to applicable law, except to the
23 extent they have been designated as Proprietary Information. The parties shall not disclose

1 information designated as Proprietary Information unless ordered to do so by the Court. If a
2 Third Party challenges the designation of information as proprietary, the Applicant will have the
3 responsibility of proving the materials are Proprietary Information as defined in this order. The
4 Parties take no position on such a challenge.

5 7. The Order shall survive the final termination of the action.

6 8. Upon final determination of this action, including any appeal thereof, unless
7 otherwise agreed to in writing by the parties, all parties and their counsel shall assemble and
8 destroy all information designated as Proprietary Information, except that counsel may retain
9 copies of the subject information to the extent it is used in pleadings, exhibits, and/or becomes
10 work product.

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DATED this _____ day of _____, 2012.

The Honorable James L. Robart
United States District Court Judge