

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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PAUL MARRIOT, ET AL,

Index No. 03-CV-0531

Plaintiffs,

- against -

THE COUNTY OF MONTGOMERY, ET AL,

Defendants.

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**STIPULATION AND
PROTECTIVE ORDER ON
INMATE ADMISSION
RECORDS**

DNH/DEP

WHEREAS, the parties are engaged in discovery in the above-captioned action that involves the exchange of information and the production of documents which may contain personal or otherwise confidential information that may be the subject of a protective order pursuant to Rule 26(c) of the Federal Rules of Civil Procedure;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the parties and their respective attorneys as follows:

1. Confidential Information. Confidential information shall include the name, address, date of birth, date of arrival at the Montgomery County Correctional Facility (MCCF), social security number, name of next of kin, phone number of next of kin and offense charged, from April 2000 to the present for all pretrial detainees charged with misdemeanors, violations, violation of parole, violation of probation, or held in civil or family court matters, as contained in the Inmate Admission Records.
2. Application. This Stipulation and Protective Order does not apply to the Inmate Admission Record and the information contained therein, of the named plaintiff, Paul Marriott. In the event a pretrial detainee becomes a named plaintiff, upon actual

joinder to this pending action, this Stipulation and Protective Order shall no longer apply to the additional named plaintiff(s) Inmate Admission Record(s) and the information contained therein.

3. Documents Stamped "CONFIDENTIAL". Defendants' disclosure to plaintiff of the Inmate Admission Records and information contained therein, shall be marked "CONFIDENTIAL" in a manner that will not interfere with the legibility thereof. The defendants shall stamp the Inmate Admission Records as "CONFIDENTIAL" prior to the actual release of the documents.
4. Limitations On Disclosure of Stamped Confidential Documents. Except with the prior written consent of the individual pretrial detainee(s), the individual pretrial detainee(s) stamped confidential Inmate Admission Record(s), or the information contained therein, may NOT be disclosed to any person, except for the attorneys for the parties and those employees and agents working directly with the attorneys, for use only in connection with this action.
5. Conditions on Disclosure. Any person to whom information provided under this order is disclosed must sign a statement agreeing to be bound by this Stipulation and Protective Order. The signed statement, as annexed hereto as Exhibit "A" shall contain:
 - (a) a recital that the signatory has read and understands this order;
 - (b) a recital that the signatory understands that unauthorized disclosures of the stamped confidential documents constitutes contempt of court.
6. List to be Maintained. Pursuant to the Order of David E. Peebles, U.S. Magistrate Judge, dated December 23, 2003, plaintiff's counsel must maintain a list of all

persons to whom the Inmate Admission Records, and the information contained therein, has been disclosed.

7. Production of List. Upon ten (10) days' advance notice, in writing to the plaintiff, defendants may request a Court Order directing disclosure of a copy of the list of all persons to whom the stamped confidential Inmate Admission Records, or the confidential information contained therein, has been distributed.

Within ten (10) days of service of defendants' request for a Court Order directing disclosure of a copy of the list, plaintiff shall serve, in writing to the Court and defense counsel, the basis for objecting to the disclosure of a copy of the list.

8. Confidential Information in Deposition Transcripts. The attorneys for the parties may, within fifteen (15) days after receiving any deposition transcript, designate pages of the transcript and/or exhibits thereto as confidential, if related to disclosure of the Inmate Admission Record(s) or the information contained therein. Until expiration of the fifteen (15) day period, the entire deposition will be treated as subject to protection against disclosure under this Order. If the attorneys for the parties do not timely designate confidential information in a deposition relating to the Inmate Admission Records or the information contained therein, then none of the transcript or its exhibits will be treated as confidential. The parties need not re-designate as confidential a document previously so designated. If a timely designation is made, the confidential portions of the transcript and/or exhibits shall be filed under seal separate from the portions and exhibits not so marked.
9. Confidential Information at Trial. The Inmate Admission Records or information contained therein, that has been marked confidential pursuant to this Order, shall

continue to be treated as confidential information at trial. The trial Court may determine how this information and/or documents shall be kept confidential at trial.

10. Filing. The stamped confidential Inmate Admission Records need not be filed with the Clerk, except when required in connection with motions under Rule 56 or other matters pending before the Court. If filed, they shall be filed under seal and shall remain sealed while in the office of the Clerk so long as they retain their status as stamped confidential documents.
11. Client Consultation. Nothing in this Order shall prevent or otherwise restrict counsel from rendering advice to their actual client(s), in the course thereof, relying generally on examination of stamped confidential Inmate Admission Records and information provided therein, provided, however, that in rendering such advice and otherwise communicating with such client(s), counsel shall not make specific disclosure of any item so designated, except to have the client adhere to the procedures set forth in paragraph 5 above.
12. Use. Anyone who obtains access to stamped confidential Inmate Admission Records or information contained therein under this Order shall use the information only for preparation and trial of this litigation and shall not use such information for any other purpose.
13. Non-termination. The provisions of this Order shall not terminate at the conclusion of this action. Within thirty (30) days after final conclusion of all aspects of this litigation, stamped confidential Inmate Admission Records and all copies of same (other than unsealed exhibits of records) shall be returned to the defendants or, at the option of defendants, destroyed. All counsel of record shall make certification of

compliance herewith and shall deliver the same to counsel for the defendants not more than sixty (60) days after final termination of this litigation.

14. Attorneys' Responsibilities. All attorneys of record are responsible for employing reasonable measures to control, consistent with this Order, duplication of , access to, and distribution of copies of stamped confidential documents.

Dated: February 4, 2004

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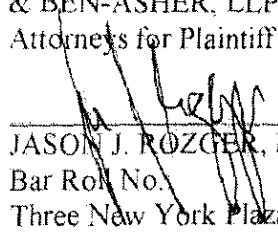

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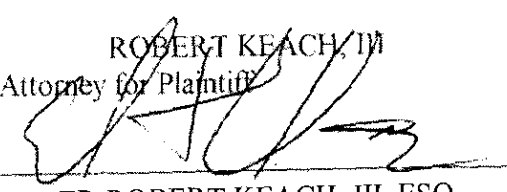
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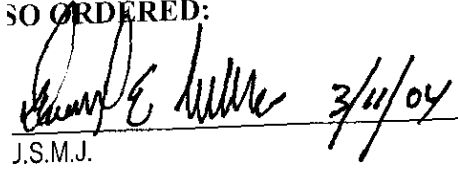
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SO ORDERED:



J.S.M.J. 3/11/04