

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
KEAN FOR CONGRESS)	
COMMITTEE,)	
)	Case No. 1:04cv00007 (JDB)
)	
Plaintiff,)	
)	PROTECTIVE ORDER
v.)	
)	
FEDERAL ELECTION COMMISSION,)	
)	
Defendant.)	
_____)	

PROTECTIVE ORDER

Upon consideration of the joint motion by the Federal Election Commission (“Commission” or “FEC”) and the Kean for Congress Committee (“Kean Committee” or “Committee”) for a protective order in this litigation consistent with the nondisclosure requirements of 2 U.S.C. 437g(a)(12)(A) and 11 C.F.R. 111.21(a),

IT IS HEREBY ORDERED that:

1. This order shall govern disclosure by the Commission to plaintiff Kean Committee of information generated or obtained by the Commission following the Court’s February 15, 2005, remand order that cannot be disclosed to the public under 2 U.S.C. 437g(a)(12)(A) and 11 C.F.R. 111.21(a).
2. Disclosure to plaintiff Kean Committee is limited to disclosure to the Committee’s litigation counsel (J. Gerald Hebert; Trevor Potter; Kimberly N. Brown; Kirk L. Jowers; and Donald J. Simon), Anthony S. Cicatiello of the Committee, and Tom Kean, Jr.

3. Litigation counsel for the Kean Committee, Anthony S. Cicatiello, and Tom Kean, Jr. may not share the confidential information with any other person or entity except as provided in Paragraph 6 of this Order.

4. Information provided to litigation counsel for the Kean Committee, Anthony S. Cicatiello, and Tom Kean, Jr., pursuant to this Protective Order shall be used solely in connection with this litigation.

5. Counsel for the parties shall mark each document that contains information covered by 2 U.S.C. 437g(a)(12)(A) and 11 C.F.R. 111.21(a) with an appropriate marking such as “Confidential Information.”

6. The parties may submit nonpublic, confidential information to the Court provided that they file under seal the motions or other papers containing or disclosing the confidential matters.

7. When this litigation is concluded, litigation counsel for the Kean Committee, Anthony S. Cicatiello, and Tom Kean, Jr., shall either (a) return to the Commission within ten business days all copies of any confidential documents the Commission has provided or (b) destroy all copies within ten business days and inform the Commission in writing of the destruction, except that counsel for the Kean Committee may retain one copy of any confidential material that was filed with this Court in this litigation.

Date

John D. Bates
United States District Judge