

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO

United States of America

v.

Crim. No. 3:08-cr-36-PJB

Anibal Acevedo Vila, et al.

PROTECTIVE ORDER

This matter having been brought before the Court on the Joint Motion of the United States and defendants Anibal Acevedo-Vila, Candido Negrón-Mella, Jorge Velasco-Mella, Salvatore Avanzato, Robert M. Feldman, Marvin I. Block, Ramon Velasco-Escardille, Edwin Colon-Rodriguez, Luisa Inclan-Bird, Miquel Nazario-Franco, Ricardo Colon-Padilla, and Jose Gonzalez-Freyre (collectively referred to as "Defendants"), for a Protective Order pursuant to Federal Rule of Criminal Procedure 16(d)(1) and in accordance with District of Puerto Rico Local Rule 83.7(b); and all attorneys for the United States and Defendants concurring in the need for the issuance of a Protective Order to govern all pre-trial discovery exchanged between the parties, and the Court for good cause shown;

IT IS THE FINDING OF THIS COURT that: (1) the United States and Defendants need to exchange documents pursuant to their

obligations under Federal Rule of Criminal Procedure 16, Brady, Jencks, and Giglio during the course of pre-trial discovery process; (2) that Defendants may need to obtain documents through the use of party and non-party discovery, including subpoenas issued under Federal Rule of Criminal Procedure 17(c), and said documents might be of a sensitive and private nature; and (3) the United States and Defendants may need to utilize some portion of these documents at trial; and

IT IS THE FURTHER FINDING OF THIS COURT that the parties have made a sufficient showing to authorize entry of a Protective Order as required by Fed. R. Crim. P. 16(d)(1); and

IT IS ORDERED that the Joint Motion for Entry of a Protective Order limiting disclosure of those documents or materials exchanged or obtained during the course of pre-trial discovery is hereby granted; and it is further

ORDERED that all parties to this matter shall refrain from releasing, or authorizing anyone within his or her control to release, information pertaining to the above-captioned matter and documents and materials exchanged in the course of pre-trial discovery in connection with the above-captioned matter for public use or dissemination; and it is further

ORDERED that the Protective Order will not apply to documents attached to or referenced in any respect within the body of any pretrial motion provided that the following conditions are met: (1) that the party filing the motion provides five (5) days notice in advance of filing to the party which provided the material at issue during pre-trial discovery; (2) that the party which provided the material does not object to the public filing of the protected documents or referencing protected information within three (3) days thereafter. In the event of an objection, the filing party shall redact from its public filing the protected documents and/or information and shall file the same under seal, in accordance with the Local Rules; and it is further

ORDERED that this Protective Order will no longer apply to documents that the Government intends to use at trial that are placed on the Government's exhibit list once that list is produced to Defendants pursuant to the Case Management Order entered on May 9, 2008.

Nothing in this Order shall preclude the attorneys for the Government and Defendants from disclosing the material to the Defendants, the attorneys' legal assistants or agents, experts,

or other employees assisting in case preparation, or from conveying the information contained in such pre-trial discovery materials in discussions with prospective witnesses; however,

IT FURTHER ORDERED that no protected documents or items or copies of protected documents or items will be disclosed to any such party, agent, expert, witness or any other person unless such person signs a copy of this order indicating their understanding that they are bound hereby and prohibited from further disclosure of the protected documents. Such signed copies will be maintained by the attorney representing the party responsible for such disclosure throughout the duration of this matter in any court; and

IT IS FURTHER ORDERED that any party who merely conveys the information in any protected document ("protected information") in accordance with this order, but does not disclose an actual document or item, will inform the recipient of the protected information that the information is protected by Court Order and may not be further disclosed without approval of the attorney for the party making the disclosure and in compliance with the terms of this Order; and

IT IS FURTHER ORDERED that any protected documents or items or copies of protected documents or items will be returned to the disclosing party within 90 days after the conclusion of this matter in all courts or, in the alternative, the attorney who received the original disclosure will certify his or her personal knowledge that all such material or copies of such material have been destroyed or why recovering any specific documents, items or copies thereof is impossible.

SO ORDERED.

/s/Paul Barbadoro
Paul J. Barbadoro
United States District Judge
District of New Hampshire
Sitting by Designation

Date: May 30, 2008

cc: Counsel of Record