IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL, <u>et al.</u>, Plaintiffs, vs. KEN SALAZAR, Secretary of the Interior, <u>et al.</u>,

Defendants.

Case No. 1:96CV01285-JR

JOINT MOTION FOR PROTECTIVE ORDER TO PERMIT EXCHANGE OF PRIVACY ACT-PROTECTED INFORMATION

Plaintiffs and Interior Defendants request an order permitting the Department of the Interior -- including through its agents, contractors, and representatives -- to disclose information protected by the Privacy Act of 1974, as amended, 5 U.S.C. § 552a, to Plaintiffs and contractors engaged by the parties to assist them in facilitating a resolution of this litigation. The parties anticipate that they will file a motion for preliminary approval by the court of a settlement upon enactment by Congress of certain legislation authorizing the settlement to proceed. In the meantime, the parties desire to exchange certain personally identifying information maintained by the Department of the Interior or its contractors with Plaintiffs and those contractors assisting the parties with the settlement in order to facilitate efforts to prepare a contact and mailing database for class members.

Permitting the exchange of such information now will allow the parties' contractors to check address information and to perform similar tasks now so that the parties will be ready to issue a class notice promptly if the court grants preliminary approval of the anticipated motion. The parties agree and understand that the protected information may only be used for

purposes of preparing a list of class members and a class notice database. They further agree to

take adequate steps to maintain confidentiality and to require any agents, representatives, or

contractors having access to the information to maintain its confidentiality.

Respectfully submitted this 11th day of December, 2009,

Counsel for Plaintiffs:

Counsel for Defendants:

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CERTIFICATE OF SERVICE

I hereby certify that, on December 11, 2009 the foregoing *Joint Motion to Permit Exchange of Privacy Act-Protected Data* was served by Electronic Case Filing, and on the following who is not registered for Electronic Case Filing, by facsimile:

Earl Old Person (*Pro se*) Blackfeet Tribe P.O. Box 850 Browning, MT 59417 Fax (406) 338-7530

> /s/ Kevin P. Kingston Kevin P. Kingston

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ORDER

This matter comes before the Court on the *Joint Motion for Protective Order to Permit Exchange of Privacy Act-Protected Data*. Upon consideration of the motion and the parties representations therein, the entire record of this case, and having determined that the motion is well-taken and should be granted, it is hereby

ORDERED, that the Motion is **GRANTED**.

It is **FURTHER ORDERED**, that, as provided by the Privacy Act of 1974, as amended, 5 U.S.C. § 552a (b)(11), Defendants are authorized to disclose to Plaintiffs, and to any agents, representatives, or contractors of the named parties herein, information in any system of records maintained by Defendants relating to actual and putative class members that is reasonably necessary to facilitate the identification and location of potential class members for purposes of settlement only (the "Information").

It is **FURTHER ORDERED**, that the Parties are responsible for maintaining the confidentiality of the Information and assuring that any agents, representatives, or contractors

who are afforded access to the Information shall be advised of this order and will themselves take adequate steps to maintain confidentiality of the Information.

SO ORDERED.

James Robertson UNITED STATES DISTRICT JUDGE

Date: December ____, 2009