

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

_____	)	
UNITED STATES DEPARTMENT	)	
OF TREASURY	)	
Petitioner,	)	
	)	
v.	)	No. 1:12-mc-00100-EGS
	)	
PENSION BENEFIT	)	
GUARANTY CORPORATION,	)	
Interested Party,	)	
	)	
v.	)	
	)	
DENNIS BLACK, <i>et al.</i> ,	)	
Respondents.	)	
_____	)	

**PARTIES' JOINT RESPONSE TO THE COURT'S APRIL 5, 2018 MINUTE ORDER**

On April 5, 2018, the Court denied Respondents' motion for leave to file under seal an *ex parte* submission in support of their renewed motion to compel, finding "that a submission made under seal and pursuant to a protective order that provides that only petitioner and respondents – and not the Pension Benefit Guaranty Corporation – may access the document could sufficiently protect respondents' interests in the underlying case." Apr. 5, 2018 Minute Order. The Court directed the parties to submit any objections to the April 5, 2018 Minute Order by April 11, 2018, or in the alternative, to submit a proposed protective order to the Court by that date.

Respondents and Petitioner United States Department of Treasury have conferred and submit the attached proposed protective order for the Court's consideration.

Dated: April 11, 2018

s/ Michael N. Khalil

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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U.S. DEPARTMENT OF THE	)	
TREASURY,	)	
	)	
Petitioner,	)	
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v.	)	No. 1:12-mc-00100-EGS
	)	
PENSION BENEFIT GUARANTY )		
CORPORATION,	)	
	)	
Interested Party,	)	
	)	
v.	)	
	)	
DENNIS BLACK, <i>et al.</i> ,	)	
	)	
Respondents.	)	
_____	)	

**[PROPOSED] PROTECTIVE ORDER**

In connection with their renewed motion to compel, ECF No. 70, Respondents Dennis Black, Charles Cunningham, Kenneth Hollis, and Delphi Salaried Retiree Association (Respondents) seek the Court's leave to support that motion with a supplemental court filing, to be filed under seal (the Supplemental Production). This Protective Order clarifies the rights, duties, and obligations of Petitioner U.S. Department of the Treasury (Treasury), Respondents, and Interested Party Pension Benefit Guaranty Corporation (PBGC), regarding the Supplemental Production.

It is **HEREBY ORDERED THAT:**

1. Respondents are given leave to file the Supplemental Production under seal.
2. Interested Party PBGC shall not have access to the Supplemental Production.

3. Treasury and Respondents may, through their counsel, have access to the Supplemental Production, pursuant to the terms of this Protective Order.
4. Treasury and its counsel are expressly prohibited from disclosing or discussing the Supplemental Production with PBGC, and Treasury and its counsel shall use the Supplemental Production exclusively for the purpose of resolving this action, and not for any other purpose.
5. Treasury and its counsel shall not disclose or discuss information from the Supplemental Production except to employees of the federal government, other than employees of PBGC, who are actively involved in this action; this Court or the United States Court of Appeals for the District of Columbia Circuit; or qualified persons (including necessary clerical personnel) recording, taking or transcribing testimony or argument at any hearing, trial or appeal in this action.
6. If Treasury or its counsel refers to information covered by this Protective Order in a court filing, it must make such a filing under seal. Where feasible, only those portions of such filings which refer to information covered by this Protective Order shall be filed under seal.
7. The restrictions set forth herein shall not apply to documents or information that was, is, or becomes public knowledge, not in violation of this Order.
8. Except in the case of disclosures to this Court or the United States Court of Appeals for the District of Columbia Circuit, no individual shall review or be permitted to review any document or portion of document disclosed to Treasury or its counsel under this stipulation and order unless and until the individual has executed the

following acknowledgment and has returned the executed acknowledgment to

Treasury's counsel for his retention during the pendency of this action:

I, \_\_\_\_\_, hereby declare under penalty of perjury that I have read the Protective Order in *U.S. Department of the Treasury v. Black*, No. 1:12-mc-00100-EGS (D.D.C.), dated [insert the date upon which this Proposed Protective Order is approved by the Court]. I agree to refrain from disclosing or discussing any information disclosed under the above Protective Order other than in strict compliance with the terms of the Protective Order. I acknowledge that my duties under the Protective Order shall survive the termination of the above action and that my failure to comply with the terms of the Protective Order may result in the imposition of sanctions by the Court.

9. Respondents shall serve the Supplemental Production on Treasury by email.
10. Treasury shall be entitled to file a response to the Supplemental Production within 21 days of the date upon which it is served with it, and Respondents shall be entitled to file a reply within 7 days of any such response.
11. Treasury shall file any such response in accordance with the provisions of this Order.

Dated: \_\_\_\_\_

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE