

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

FILED

03 OCT 15 PM 2: 32

U.S. DISTRICT COURT  
N.D. OF ALABAMA

UNITED STATES OF AMERICA

v.

ERIC ROBERT RUDOLPH

CRIMINAL ACTION

CR 00-S-0422-S

PROTECTIVE ORDER FOR DISCOVERY MATERIAL

129  
ENTERED

OCT 15 2003

IT IS HEREBY ORDERED pursuant to Rule 16(d) of the Federal Rules of Criminal Procedure that discovery materials and all information included in discovery materials (referred to collectively in this order as "discovery"), regardless of whether such materials and information are defined as discovery under Rule 16 or have already been produced, that are provided by the government to the defendant shall not be further disseminated by the defendant or his counsel (counsel for defendant means counsel appointed for defendant in Atlanta and Birmingham), to any individuals, organizations or other entities, other than: (i) members of the defense team (co-counsel, paralegals, investigators, litigation support personnel, the defendant, and secretarial staff); and (ii) experts and consultants retained to assist in the preparation of the defense. In addition, the undersigned counsel of record for the defendant, any co-counsel, and any defense investigator may show but not provide copies of any of such discovery to witnesses or potential witnesses, if it is determined that it is necessary to do so for the purpose of preparing the defense of the case.

Neither the defendant nor his counsel shall contact or reveal to anyone outside the defense team the identity of witnesses who were interviewed before January 29, 1998 and whom the discovery indicates have requested that their identity be protected, without written notification to the government three days prior to the disclosure. This notification is for the purpose of giving the government an opportunity to determine whether it will contest the disclosure or contact. If the

government notifies the defendant in writing that it contests the disclosure or contact, neither the defendant nor his counsel will disclose or contact that witness without a court order specifically allowing such disclosure or contact. The parties anticipate that after reviewing the discovery, the defendant's counsel will identify in writing up to twelve individuals<sup>1</sup> from the Atlanta suspect subfiles ("Identified Individuals"). Three days after defendant's counsel notify the government of the Identified Individuals, defendant's counsel will no longer be bound by the notification requirements of this Protective Order with respect to witnesses who provided information regarding the Identified Individuals.

IT IS FURTHER ORDERED that each of the individuals to whom any disclosure is made pursuant to this order shall be provided a copy of this protective order and will be instructed that he or she shall not further disseminate the materials or information except by the express direction of counsel. Defendant's counsel shall require that any person to whom disclosure is made shall execute the writing attached hereto as Exhibit A, a copy of which shall be made available to the government upon request;

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IT IS FURTHER ORDERED that all discovery is to be provided and used by the defendant and his counsel solely for the purpose of allowing the defendant to prepare his defense and that none of the discovery produced by the government to the defense shall be disseminated to the media;

IT IS FURTHER ORDERED that none of the discovery produced by the government to the defendant shall be disseminated to the media by the government;

IT IS FURTHER ORDERED that any papers served upon the Court by either party which attach as a part thereof any discovery related material shall be filed under seal;

IT IS FURTHER ORDERED that the parties shall not identify, describe the identities or

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<sup>1</sup>The parties agree that this number may be changed by mutual consent of the parties.

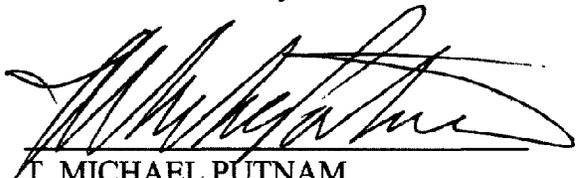
otherwise provide any identifying information of any witness(es) in any public filed papers, documents, and/or pleadings;

IT IS FURTHER ORDERED that if any person or entity requests, by subpoena or otherwise, any discovery from either the government or the defendant and his counsel, the party receiving such a request shall immediately notify the other party in writing and take whatever steps necessary to protect the confidentiality of the discovery unless otherwise directed by a court to disclose the discovery;

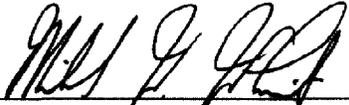
IT IS FURTHER ORDERED that all persons subject to this protective order shall dispose of discovery only by shredding the documents or returning the documents to the government; (29)

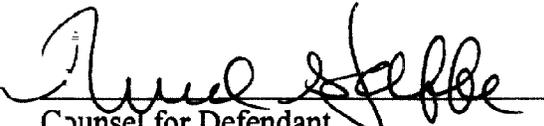
FINALLY, IT IS ORDERED that nothing in this Order is intended to abrogate the government's obligation to comply with Rule 16 of the Federal Rules of Criminal Procedure or Brady v. Maryland, nor shall it preclude the government or the defendant from seeking a further protective order pursuant to Rule 16(d) as to particular items of discovery material.

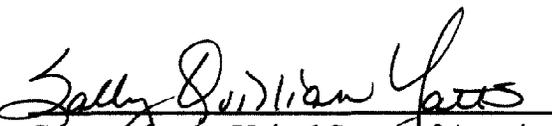
October 15, 2013  
Date

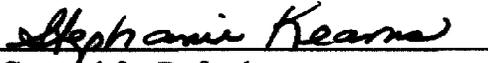
  
T. MICHAEL PUTNAM  
UNITED STATES MAGISTRATE JUDGE

Consented to:

  
Counsel for the United States of America  
Northern District of Alabama

  
Counsel for Defendant  
Northern District of Alabama

  
Counsel for the United States of America  
Northern District of Georgia

  
Counsel for Defendant  
Northern District of Georgia