

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 16-60028-Cr-Rosenberg/Brannon

UNITED STATES OF AMERICA,

vs.

CHRISTOPHER ROCK, REYNOLD
CEUS, and MAKELA BRINSON,

Defendants.

PROTECTIVE ORDER

THIS CAUSE is before the Court on the Government's Motion for Protective Order Regulating Disclosure of Discovery Information (DE 22), wherein the Government seeks a protective order regulating the disclosure of discovery materials to defense counsel consistent with the Government's discovery obligations. Defendant Christopher Rock has no objection to the Government's proposed protective order. However, Defendant Makela Brinson has filed two responses in opposition (DE 23, DE 28), to which the Government has replied (DE 26, DE 33).¹

Although not cited to by the Government in its listing of nine similar protective orders entered in other criminal fraud cases, this Court has reviewed and modified a similar at-issue proposed protective order in *U.S. v. Pardo, et al.*, 15-80210-Cr-Rosenberg/Brannon, DE 29.

Being fully advised, the Court ORDERS that the Motion for Protective Order (DE 22) is GRANTED as modified below and consistent with the Protective Order in the *Pardo* case:

¹ The third named Defendant, Reynold Ceus, is presently a fugitive (DE 25).

1. The United States must disclose the discovery and sensitive information materials contained therein (hereinafter "Discovery") in its possession pursuant to the discovery obligations imposed by this Court.

2. Government personnel and counsel for Defendant shall not provide, nor make available, the Discovery to any person except as specified in this Order or by approval from this Court. Therefore, defense counsel and the Government shall restrict access to the Discovery, and shall only disclose the Discovery to their client, office staff, investigators, independent paralegals, necessary third-party vendors, consultants, and/or anticipated fact or expert witnesses to the extent that defense counsel believes is necessary to assist in the defense of her client in this matter, or that the Government believes is necessary in the investigation and prosecution of this matter.

3. Portions of the Discovery in this matter may be made available to defense counsel on digital media. No copies of the digital media shall be made, by defense counsel or the defendant, without prior approval from this Court. Defense counsel may make that request under seal.

4. To the extent that defense counsel makes any portion of the Discovery available in paper format to anyone, including their client, outside of counsel's office, defense counsel shall ensure that any and all sensitive information is redacted or removed and will not be susceptible to misuse or abuse. Such redaction/removal shall include, but shall not be limited to, the following:

- (a) all Social Security numbers or taxpayer identification numbers;
- (b) all dates of birth;
- (c) all residential addresses;
- (d) all telephone numbers;
- (e) all email addresses;

If defense counsel intends to provide paper copies under this paragraph and determines that the amount of redaction required by this Protective Order is burdensome, he may file an *ex parte* request with the Court for additional resources to assist in the production of redacted copies.

5. Third parties contracted by the United States or defense counsel to provide expert analysis or testimony may possess and inspect the Discovery, but only as necessary to perform their duties or responsibilities in this matter. At all times, third parties shall be advised of and subject to the terms of this Order.

6. All counsel of record in this matter, including counsel for the United States, shall ensure that any party, including the defendant, that obtains access to the Discovery is provided a copy of this Order. No other party that obtains access to or possession of the Discovery shall retain such access or possession unless authorized by this Order, nor further disseminate the Discovery except as authorized by this Order. Any other party that obtains access to, or possession of, the Discovery once the other party no longer requires access to or possession of the Discovery shall promptly destroy or return the Discovery to the Government once access to Discovery is no longer necessary. For purposes of this Order, "other party" is any person other than counsel for the United States, counsel for defendant, or the defendant.

7. All counsel of record, including counsel for the United States, shall keep a written log to identify each person to whom the Discovery is disclosed and whom was advised of the requirements of this Order. Neither counsel for the defendant, nor the counsel for the United States, shall be required to disclose this list of persons unless so ordered by the Court.

8. Upon entry of a final order of the Court in this matter and conclusion of any direct appeals, government personnel and counsel for defendant shall retrieve and destroy all copies of

the Discovery, except that counsel and government personnel may maintain copies in their closed files following their customary procedures.

9. Government personnel and counsel for Defendant shall promptly report to the Court any known violations of this Order.

DONE AND ORDERED in Chambers at West Palm Beach in the Southern District of Florida, this 11th day of March, 2016.



DAVE LEE BRANNON
U.S. MAGISTRATE JUDGE