

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

NELDA KELLOM, *as personal
representative of the estate
of Terrance Kellom, deceased,*

Plaintiff,

CIVIL NO. 17-cv-11084

v.

HON. SEAN F. COX
MAG. J. ANTHONY P. PATTI

Immigration and Customs
Enforcement Agent MITCHELL
QUINN, Detroit Police Officers
DARRELL FITZGERALD
and TREVA EATON, and UNITED
STATES OF AMERICA,

Defendants.

_____ /

STIPULATED PROTECTIVE ORDER

Based on the stipulation of the parties as reflected by their signatures below,
it is hereby **ORDERED**, pursuant to Federal Rule of Civil Procedure 26(c), that:

1. This Protective Order shall govern the production and disclosure of
any documents, electronically stored information, materials, things, discovery
material (including responses to interrogatories, depositions, and requests to
admit), materials filed with the Court, or testimony in this action.

2. This order is entered for the purpose of protecting against the

disclosure of the investigative law enforcement techniques and information, and for the further purpose of safeguarding the privacy of individuals, as required by the Privacy Act, 5 U.S.C. § 552a.

3. This order permits the disclosure, in the course of this action, of information covered by the Privacy Act, 5 U.S.C. § 552a, reasonably necessary or useful to respond to discovery or to defend this action. The order does not otherwise affect any objections to discovery made pursuant to the Federal Rules of Civil Procedure. This order permits Officer Mitchell Quinn and the pertinent federal agencies, such as the United States Department of Homeland Security, its Office of Inspector General, United States Immigration and Customs Enforcement, and the United States Marshals Service, and other agencies, to disclose information regarding Terrence Kellom and Officer Quinn.

4. Such information shall be disclosed by counsel for the disclosing party only to plaintiff through her attorney. Plaintiff, her counsel, and other parties shall not disclose any of the records or information to any person unless the disclosure is reasonably and in good faith calculated to aid in the preparation and/or prosecution of this case. Plaintiff's counsel shall insure that any person, excepting counsel himself, his staff, and the Court and its personnel, to whom disclosure may be made pursuant to this order shall, prior to such disclosure, have

read and understood this order and acknowledged an agreement to be bound by this order. Such records shall be maintained in strict confidence by all parties. Plaintiff, her counsel, and all parties are prohibited from copying such records or disclosing or discussing their contents, except as is necessary for purposes of this litigation.

5. Any discovery materials disclosed to plaintiff under this order shall be used only to prepare for and to prosecute this action.

6. All records produced pursuant to this order shall be deemed confidential and proprietary, and the production and use of said records in this civil action shall proceed only in accordance with the following terms:

- a. A disclosing party shall only designate records as subject to this order that the disclosing party reasonably believes warrant such treatment, and shall notify all parties in writing of all records so designated;
- b. Other parties may challenge such designation by motion to the Court, and such motion shall contain a certification that the challenging party have in good faith conferred or attempted to confer with the disclosing party in an effort to resolve any disagreement about such designation;
- c. All records, copies, and summaries thereof, save those filed

with the Court, shall be returned to the disclosing party (or destroyed with its agreement) within sixty (60) days after termination of this litigation. “Termination of this litigation” shall occur upon the entry of a final order of this court, or the expiration of the time for an appeal of the final order of the district court by any party, or the entry of the mandate by the court of appeals after the disposition of an appeal of the final order of the district court by any party, or the denial of a petition for writ of certiorari by the Supreme Court, or the disposition of an appeal by the Supreme Court, whichever applies. The receiving parties shall certify that all records and copies thereof have been returned to the disclosing party, or, if the disclosing party, destroyed; and

d. The parties shall take all reasonable steps to protect the privacy of individuals who are not parties to this litigation in any filing with the court that contains records or summaries of records that are protected by this order.

7. This order does not constitute a ruling on the question of whether particular records are discoverable or admissible, and it shall not be construed as a waiver by any party of any objections that might be raised as to the admissibility of

any records that are produced pursuant to this order.

8. This order does not prevent any party from asserting any legally cognizable privilege to withhold any document or information.

9. Any allegations of abuse or violation of this order will be considered by the Court either for purposes of determining whether it should enter sanctions, including a contempt of court order.

s/Sean F. Cox
SEAN F. COX
United States District Judge

Dated: April 23, 2018

SO STIPULATED.

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MATTHEW SCHNEIDER
United States Attorney

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Dated: April 23, 2018

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