

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

L.N.P., on his own behalf and on behalf of his
dependent children P.D.P. and L.D.P.
and on behalf of all others similarly situated,

Plaintiff,

v.

FRANK BISIGNANO
Commissioner of Social Security Administration,
et al.,

Defendants.

Case No. 1:24cv1196 (MSN/IDD)

STIPULATED PROTECTIVE ORDER

Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, the parties hereby stipulate and agree as follows, and it is ORDERED that:

During discovery in the instant matter, the parties intend to produce confidential information. To permit the parties to discover information that may be relevant to the claims or defenses of either party and is reasonably calculated to lead to the discovery of admissible evidence, without the unnecessary sacrifice of privacy interests, the parties agree that the following procedures shall be followed with respect to the information to be produced pursuant to the parties' discovery requests that is marked as "CONFIDENTIAL SUBJECT TO PROTECTIVE ORDER":

1. "Confidential information" means any information that any party or non-party from whom discovery is sought (the "Designating Party") reasonably and in good faith believes constitutes or contains or discloses proprietary or confidential personal, medical, financial and/or

business material, including but not limited to any such material protected from disclosure by the Privacy Act of 1974, 5 U.S.C. § 552a, the Internal Revenue Code, 26 U.S.C. §§ 6103, 7213(a) or 7213A(a), or any other federal statute or regulation. “Confidential information” also includes other information that the Designating Party would not disclose to third parties or that it would cause third parties to maintain in confidence.

2. Information may be designated as “confidential” by marking or labeling it as CONFIDENTIAL SUBJECT TO PROTECTIVE ORDER. Deposition testimony may be designated as confidential by stating on the record that the testimony is confidential and subject to the terms of this Order. Alternatively, within fourteen (14) calendar days of receipt of the transcript, the designating party may provide written notification to the receiving party of the specific page and line numbers that shall be treated as confidential.

3. Such confidential information will be provided for review by Plaintiff or Defendant (or their counsel) in strict confidence. Right of access to this material shall be limited to the parties, counsel for the parties, expert witnesses and consultants in their employ, witnesses with a need to examine such materials, support staff, the Court and its personnel, and any other person mutually authorized by all counsel to examine such materials. No individual class member (other than L.N.P. as the named plaintiff and class representative) will have access to another class member’s confidential information without written consent from the class member to whom the information belongs, or their representative. Any person having access to this material shall be informed that it is confidential and subject to a non-disclosure order by this Court. A party shall inform any support staff, witness, expert witness, or consultant of the confidential nature of such material and that it is subject to a non-disclosure order prior to giving such person access to the confidential material. No person to whom confidential information has been disclosed shall disclose the

confidential information or any documents containing such information to any other person unless such disclosure complies with the terms of this Order.

4. Should a party receiving material seek to challenge the designation of certain material as confidential, it shall first attempt to resolve the dispute informally with the Designating Party. If such amicable efforts at dispute resolution are unsuccessful, the producing party may move this Court to sustain the “confidential” designation. Such a motion must be filed no later than fourteen (14) days after the termination of informal dispute resolution efforts. The document in question shall continue to have the benefit of confidential status until further order of the Court.

5. If information designated as “confidential” is filed with the Court in connection with motions or other matters in this case, or otherwise utilized at deposition or trial, the parties will endeavor to protect identifying information and other private information. This will include, at a minimum, redacting all dates of birth, Social Security numbers, names of minors aside from their initials, and financial account numbers, consistent with Federal Rule of Civil Procedure 5.2. The parties will additionally redact home addresses, phone numbers, email addresses, medical information, and any other information that can be used to trace an individual’s identity, either alone or when combined with other information that is linked or linkable to a specific individual. These efforts may also include referring to individuals in a generic manner.

6. Any motion to file documents under seal will be made in compliance with the standards set forth in *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000), and in accordance with the procedures set forth in Local Rule 5. The party who wishes for the information to be placed under seal shall have the burden of filing a memorandum of law in support of sealing, as required under Local Rule 5.

7. When any party becomes aware of the possible or suspected loss of confidential

information, it shall notify the other party as soon as possible, typically the same day, and if not, as soon as possible the next day. The party shall provide complete and accurate information about the details of the possible loss. If the party cannot provide all of the information described below immediately, the party will make an initial report and supplement the report as additional information becomes available. The party shall include the following information:

- a. Contact information of the person who lost or is suspected to have lost the Confidential Information,
- b. A description of the loss or suspected loss, including the nature and scope of loss, the type of information lost, the general subject matter of the lost information, the number of files or records lost, the type of equipment or media at issue, and the time and location of the loss,
- c. What safeguards were used, where applicable (e.g., locked briefcase, password protection, encryption),
- d. Whether any external organizations, such as news media or law enforcement, have been contacted or contacted the party,
- e. Whether any reports have been filed with local police or other organizations, and
- f. Any other pertinent information.

8. The only permissible uses of any documents covered by this Order are the preparation, prosecution, or defense of this litigation.

9. No one with access to confidential information shall make any copy of the documents or information subject to this Order, or any note, memorandum, or other document containing confidential information except as required for purposes of litigating this matter before

this Court, including but not limited to taking such actions necessary to provide notice to class members. Any copy, note, memorandum, or other document containing confidential information shall be subject to the same conditions as imposed on the originals.

10. At hearing in this action before any judicial officer, subject to any order of the Court, a party may use any confidential information for any purpose, provided that reasonable prior notice of such use is given to counsel for the producing party, to permit the producing party the opportunity to obtain appropriate protection from the Court, including a request to the Court that the courtroom be cleared of any persons not subject to this Order.

11. All copies of confidential information shall be destroyed or returned to the originating party's counsel at the originating party's expense within sixty (60) days of the conclusion of all trial and appellate proceedings, provided however, that any party may keep any confidential information that is necessary to provide appropriate information to, or otherwise assist, class members in responding to inquiries from them, or comply with any statutory record-keeping obligations. Once the material is destroyed, counsel shall notify the originating party's counsel.

12. In the event that any material subject to this order is used in any court proceeding, it shall not lose its protected status through such use, and the parties shall take all steps reasonably required to protect its confidentiality during such use.

13. To facilitate further exchanges of material, by letter between counsel, the parties may agree to designate other information or material as being subject to this order.

14. This order is without prejudice to the right of any party to make any objection to discovery permitted by the Federal Rules of Civil Procedure, or by any statute or other authority.

15. Neither the Social Security Administration, the United States Attorney's Office for

the Eastern District of Virginia, nor any of their officers, employees, or attorneys, shall bear any responsibility or liabilities for any unauthorized discovery by Plaintiff of any documents obtained by Plaintiff under this Order, or any information contained in such documents.

16. A party's right to assert the confidentiality of any document is not waived by inadvertent production of such document without a confidentiality designation. If a party produces a document or provides information that, upon further review, should be subject to this Order, but was not identified as such when initially produced, the Producing Party shall notify the Receiving Party. The notification shall specifically identify the document(s) or information that should be subject to the Order and provide updated copies of the document that are clearly marked as "CONFIDENTIAL SUBJECT TO PROTECTIVE ORDER." Upon receipt of that notification, the Receiving Party shall either return the original unmarked document(s) to the Producing Party or certify that the original unmarked document(s) have been destroyed.

IT IS SO ORDERED and ENTERED this 18th day of July 2025.

Alexandria, Virginia

/s/
Ivan D. Davis
United States Magistrate Judge