

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
	§	
v.	§	EP-07-CR-87-KC
	§	
LUIS POSADA CARRILES,	§	
	§	
Defendant.	§	

PROTECTIVE ORDER

Upon consideration of the Government’s Motion for a Protective Order, **IT IS**

HEREBY ORDERED that:

1. This Protective Order, entered pursuant to Rules 16(d) and 57 of the Federal Rules of Criminal procedure, applies to the discovery materials set forth in Appendix A of this Protective Order (hereinafter “Protected Materials”) and not to any other discovery materials produced by the Government to Defendant.
2. Defendant and Defendant’s counsel of record,¹ upon obtaining the Protected Materials, may use the Protected Materials as necessary to prepare for Defendant’s trial and for no other purpose. Defendant and Defendant’s counsel of record may not disseminate or disclose the Protected Materials or any information taken from the Protected Materials to any third party unless such dissemination or disclosure is necessary to prepare for Defendant’s trial.
3. Any third party to whom dissemination or disclosure is made pursuant to this Order

¹ Counsel of record is limited to attorneys designated by the Clerk of Court as Defendant’s attorneys.

may not use the Protected Materials for any purpose other than as necessary to prepare for Defendant's trial and may not further disseminate or disclose the Protected Materials for any purpose.

4. If Defendant or Defendant's counsel of record, in the course of preparing for trial, disseminates or discloses any Protected Materials or any information taken from the Protected Materials to a third party, Defendant or Defendant's counsel of record shall obtain from every such third party at the time of disclosure or dissemination the following written statement:

I acknowledge that discovery materials have been provided to me for the purposes of assisting Defendant Luis Posada Carriles in preparing for his trial. I have read the Court's Protective Order, dated August 25, 2009, permitting such disclosure to me, and agree as directed in the Protective Order that I will use the discovery materials only in preparation for Defendant Luis Posada Carriles's trial, will not disclose or disseminate the discovery materials or information taken from the discovery materials to any third party. I acknowledge that a violation of the Protective Order may result in penalties for contempt of court. By signing this statement, I consent to the jurisdiction of the Court for the purposes of enforcing the Protective Order.

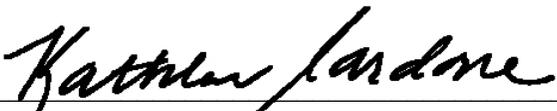
Defendant's counsel of record shall promptly submit a copy of each signed statement to the Court. However, Defendant or Defendant's counsel need not obtain such statement from any member of the defense team (co-counsel, paralegals, investigators, translators, litigation support personnel, and secretarial staff involved in the representation of Defendant in this case).

5. Defendant and Defendant's counsel shall store all Protected Materials in a secure place and shall use reasonable care to ensure that the Protected Materials are not disclosed or disseminated to any third parties in violation of this Protective Order.
6. Any papers to be filed with the Court by either party which include Protected

- Materials or quote, summarize, refer to, or otherwise disclose the contents of Protected Materials, or any information taken from the Protected Materials, shall be filed under seal, together with a motion setting forth whether the filing party believes such papers should remain under seal and whether such motion is opposed. Unless an interested party requests that such papers remain under seal, the papers shall be unsealed by the Court within fourteen days of filing.
7. Defendant and Defendant's counsel of record may not utilize Protected Materials at Defendant's trial or any public hearing without first notifying and seeking permission from the Court.
 8. Upon completion of this case, Defendant and Defendant's counsel of record, members of the defense team, and any third party who received any Protected Materials pursuant to this Protective Order shall return all such materials in their possession, as well as copies made thereof, to the Government.
 9. Nothing in this Protective Order shall preclude any interested party from filing a motion seeking a modification of this Protective Order.

SO ORDERED.

SIGNED on this 25th day of August, 2009.



KATHLEEN CARDONE
UNITED STATES DISTRICT JUDGE

Appendix A

1. Interview notes and recordings, numbered SD-CD-1 and SD-CD-0001 through SD-00222.
2. Medical records, numbered SD-00223 through SD-00404.