

FILED

MAY 12 2009

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)
UNITED STATES OF AMERICA,)
)
v.)
)
PAUL ALVIN SLOUGH,)
NICHOLAS ABRAM SLATTEN,)
EVAN SHAWN LIBERTY,)
DUSTIN LAURENT HEARD,)
DONALD WAYNE BALL,)
)
Defendants)
_____)

Cr. No. 08-360 (RMU)

STIPULATED PROTECTIVE ORDER

The undersigned parties hereby stipulate, subject to the approval of the Court, to the following Protective Order which shall govern the handling of discovery materials described below in this case:

1. The defendants have asserted that this case involves statements by the defendants to government agents concerning the September 16, 2007, shooting at Nisur Square in Baghdad, Iraq, and that these statements raise issues under *Garrity v. New Jersey*, 385 U.S. 493 (1967), and its progeny. For purposes of this Order, these statements, in whatever form, will be referred to as "Potential *Garrity* Material." As a subset of the overall discovery material in this case, Potential *Garrity* Material is governed by the preexisting Protective Orders entered by the Court on March 5 and April 13, 2009. [Documents 74 and 83.] To avoid any unwarranted disclosure of Potential *Garrity* Material, the undersigned counsel agree to the following additional handling procedures for discovery of this material.

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2. Regarding the defendants' written statements and recorded oral statements concerning the Nisur Square shooting, the United States shall produce to each defendant only his individual statement(s). Documents labeled "Potential *Garrity* Material" and the contents thereof shall not be provided to potential government or defense witnesses, other co-defendants, or potential jurors. Copies of material labeled "Potential *Garrity* Material" may be provided to third parties employed or engaged for the purpose of this litigation, assisting in the preparation, trial and appeal of this matter, who shall be informed of the existence of this Order. The parties agree to serve a copy of this Order and the preexisting Protective Orders [Documents 74 and 83] on any such third parties to whom Potential *Garrity* Material will be disseminated. The parties also agree to maintain a record of any disclosure to third parties, including the date such disclosure was made.

3. Any party to this litigation may apply to the Court for an order specifically permitting other disclosure.

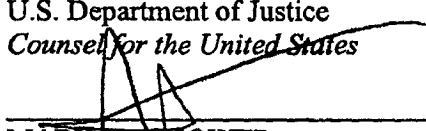
4. Any violation of the terms of this Order may result in the imposition of contempt sanctions against the violator.

Dated: 5/8/09



JOSEPH N. KASTER
MICHAEL DITTOE
U.S. Department of Justice
Counsel for the United States

Dated: 5/8/09




MARK HOCKOWER
STEPTOE & JOHNSON, LLP
Counsel for Defendant Slough

Dated: 5/8/09




THOMAS G. CONNOLLY
HARRIS, WILTSHIRE & GRANNIS, LLP
Counsel for Defendant Slatten

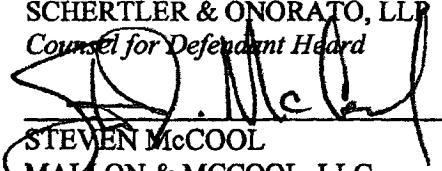
Dated: 5/8/09


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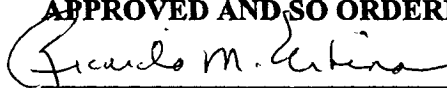
Dated: 5/8/09


DAVID SCHERTLER
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Counsel for Defendant Heard

Dated: 5/8/09


STEVEN MCCOOL
MALLON & MCCOOL, LLC
Counsel for Defendant Ball

APPROVED AND SO ORDERED THIS 12 OF MAY, 2009.


HON. RICARDO M. URBINA
U.S. District Court Judge