UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK MARK NUNEZ, et al.,	DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 3-30-2017
Plaintiffs,	:
riamuns,	:
- against -	:
CITY OF NEW YORK, et al.,	: 11 Civ. 5845 (LTS)(JCF) :
Defendants.	:
	; X
UNITED STATES OF AMERICA,	
Plaintiff-Intervenor,	
- against -	;
CITY OF NEW YORK and NEW YORK CITY	: :
DEPARTMENT OF CORRECTION,	:
Defendants.	: : x

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, who are all of the parties to this action, that the Amended Protective Order (Dkt. 89) is further amended by adding the following subparagraphs (j), (k), and (l) to paragraph 2:

- (j) Recommendations contained in the report authored by Jeffrey Beard pursuant to Section XVI, paragraph 11, of the Consent Judgment (see Dkt. 249, at page 48 of 65), unless such information is included in a Monitor's Report filed with the Court;
- (k) Information set forth in the columns captioned "Remarks" and "Case Description" in DOC's production of reports of preliminary reviews conducted by DOC pursuant to the Consent Judgment, Section VII, paragraph 7 (see Dkt. 249, at pages 18-20 of 65), except that

Plaintiffs' Counsel will be permitted to disclose: (i) aggregate trend information gleaned from the reports of the preliminary reviews, excluding reference to any specific incidents or individuals, and with the express caveat that any information disclosed is based on preliminary assessments, as set forth in the Court's Order dated September 13, 2016 (Dkt. 289), and (ii) information that is included in a Monitor's Report filed with the Court; and

(l) All other documents that all Parties agree shall be treated as Confidential Materials, provided notice is given to the Court;

IT IS FURTHER STIPULATED AND AGREED, that nothing in this stipulation and order shall be deemed as a waiver by the City or DOC of any applicable privilege whatsoever.

FOR THE UNITED STATES:

PREET BHARARA

United States Attorney for the Southern District of New York

Ву:

JEFFREY K. POWELL LARA K. ESHKENAZI

Assistant United States Attorneys 86 Chambers Street, 3rd Floor

New York, NY 10007

Telephone: (212) 637-2706/2758 Email: <u>Jeffrey, Powell@usdoj.gov</u> Lara, Eshkenazi@usdoj.gov

FOR PLAINTIFF CLASS:

THE LEGAL AID SOCIETY

By:

MARY LYNNE WERLWAS 199 Water Street, 6th Floor New York, NY 10038 Telephone: (212) 577-3530

72-2-

Email: mwertwas@legal-aid.org

EMERY CELLUERINCKERHOFF & ABADY LLP

By:

YONATHAN SABADY

DEBRA L. GREENBERGER 600 Fifth Avenue, 10th Floor

New York, NY 10020

Telephone: (212) 763-5000 Bmail: jabady@echalaw.c

jabady@echalaw.com dgreenberger@echalaw.com

FOR DEFENDANTS CITY OF NEW YORK AND DEPARTMENT OF CORRECTION:

ZACHARY W. CARTER

Corporation Counsel for the City of New York

By:

RTHUR CLUARKIN KIMBERLY JOYCE 100 Church Street

New York, New York 10007 Telephone: (212) 356-2641 Email: <u>alarkin@hw.nyc.gov</u>

kjnyce@law.nyc.gov

SO ORDERED this 30th day of March , 2017

LAURA TAYLOR SWAIN

UNITED STATES DISTRICT JUDGE