

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :
 :
 : PROTECTIVE ORDER ON CONSENT
-v- :
 :
 : 07 Cr. 1027 (SCR)
BERNARD B. KERIK, :
 :
 : Defendant. :
 :
-----X

Upon the application of the United States Attorney for the Southern District of New York and Bernard B. Kerik, the defendant herein, for the entry of a protective order having the consent of both parties and for good cause,

IT IS HEREBY ORDERED THAT:

1. Documents provided by the Government to the defense pursuant to Federal Rule of Criminal Procedure 16; Title 18, United States Code, Section 3500; *Brady v. Maryland*; or *United States v. Giglio*, to the defense in this action are deemed confidential. Confidential information disclosed to the defendant and his counsel during the course of proceedings in this action:

- a. Shall be used by the defendant and his counsel solely for purposes of this criminal action; and
- b. Shall not be disclosed in any form by the defendant or his counsel except as set forth in paragraphs 2 and 4 below.

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DATE FILED:

2. Confidential information may be disclosed by the defendant or his counsel only to the following designated persons: (i) all personnel employed by the defendant's counsel, either full-time or part-time; (ii) independent expert witnesses or advisors retained by the defendant or his counsel in connection with the criminal case; (iii) transactional witnesses, to the extent deemed necessary by defense counsel for trial preparation; and (iv) such other persons as hereafter may be authorized by the Court upon motion by the defendant. Copies of documents containing confidential information may not be given to or remain in the custody of transactional witnesses.

3. The defendant agrees that he has no ownership or proprietary interest in the materials subject to this Protective Order. The defendant further agrees that all such materials are to be returned to the Government at such time as they are no longer needed in this action, at the end of the criminal proceeding, or upon Order of the Court, whichever occurs first.

4. The provisions of this Order shall not be construed as preventing the disclosure of any information in any motion, hearing, or trial held in this action or to any Judge or Magistrate Judge of this Court for purposes of this action.

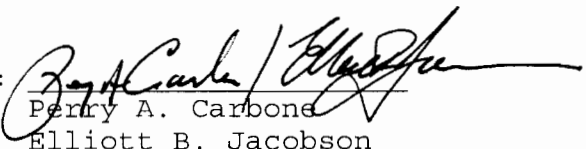
5. This Order is in addition to and does not supersede any prior protective order or stipulation.

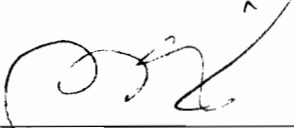
Dated: White Plains, New York
March 19, 2008

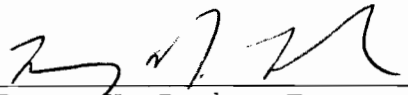
Accepted and Acknowledged:

UNITED STATES ATTORNEY
MICHAEL J. GARCIA

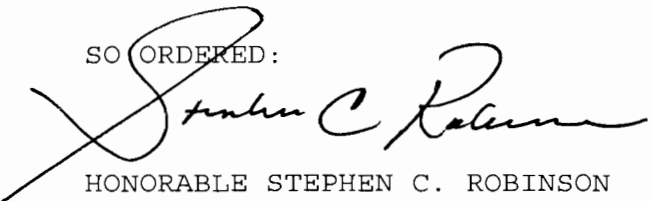
BY:


Perry A. Carbone
Elliott B. Jacobson
Assistant U.S. Attorneys


Defendant Bernard B. Kerik


Barry H. Berke, Esq.
Eric A. Tirschwell, Esq.
(Counsel for Bernard B. Kerik)

SO ORDERED:


HONORABLE STEPHEN C. ROBINSON
UNITED STATES DISTRICT JUDGE