

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Criminal Division—Misdemeanor Branch**

UNITED STATES OF AMERICA :
 :
 v. : **Case No. 2021 CMD 000187**
 :
 : **Hon. Judge Smith**
 EARL GLOSSER, :
 :
 : **Status Hearing: September 13, 2021**
 Defendant. :

UNOPPOSED MOTION FOR PROTECTIVE ORDER

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully moves the Court to issue a protective order governing information related to an administrative investigation into the actions of a contractor employed by the U.S. Attorney’s Office (“Contractor A”), including, but not limited to, a summary letter describing the investigation and an investigative report and its attachments. The United States and the defendant have reached an agreement as to the proposed protective order. Therefore, the United States is authorized to represent to the Court that the defendant does not oppose this motion or the entry of the attached protective order.

Dated: August 24, 2021

Respectfully submitted,

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Acting United States Attorney

JOHN B. TIMMER
Deputy Chief, Major Crimes Section
Assistant United States Attorney

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By: /s/ Andy Wang

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CONSENT PROTECTIVE ORDER

To expedite the government’s disclosure of any information related to its administrative investigation into the actions of a contractor employed by the U.S. Attorney’s Office (hereinafter “Contractor A”), and to adequately protect witness privacy rights in such records, pursuant to the Court’s authority under Sup. Ct. R. Crim. P. 16(d)(1), and with the consent of the parties, it is hereby **ORDERED**:

1. **Materials Subject to this Order.** Except as provided herein, this protective order (“Order”) governs information related to the U.S. Attorney’s Office’s administrative investigation into the actions of Contractor A, disclosed by the government at any stage of this case (hereinafter “Contractor A Investigation Materials”).

2. **Legal Defense Team.** The “legal defense team” includes defense counsel (defined as counsel of record in this case, including any post-conviction or appellate counsel) and any attorneys, investigators, paralegals, support staff, and expert witnesses who are advising or assisting defense counsel in connection with this case. The legal defense team shall not include the defendant or the defendant’s family members, friends, or associates.

3. **Limitations on Dissemination.** Except as otherwise permitted by this Order, the legal defense team shall not disseminate Contractor A Investigation Materials directly or through

any person or instrumentality to any person, entity, or public forum, other than members of the legal defense team.

4. **Limitations on Use.** Subject to the limitations contained in this Order and without further order of the Court, the defendant and the legal defense team may use Contractor A Investigation Materials in connection with: (A) this case, including and any post-conviction or appellate litigation; and (B) another criminal case in which defense counsel or another attorney on the legal defense team is representing a client, provided that the legal defense team in that case agrees to be bound by this Order, the dissemination of the Contractor A Investigation Materials in that case is consistent with this Order, and sufficient pretrial notice is given in the other case to permit the government to object to the use of the PPMS materials in that case. The legal defense team may discuss Contractor A Investigation Materials with and defense counsel may authorize the viewing of Contractor A Investigation Materials by: (A) the defendant; and (B) other persons to whom this Court may authorize (hereinafter “court-authorized persons”).

5. **Limitations on Reproduction.** Subject to the limitations contained in this Order, the legal defense team may physically or electronically reproduce Contractor A Investigation Materials as deemed necessary by defense counsel for use in connection with this case. Any reproductions of Contractor A Investigation Materials authorized by defense counsel shall be treated in the same manner as the original Contractor A Investigation Materials.

6. **Storage Requirements.** The legal defense team shall store Contractor A Investigation Materials in a secure physical or electronic environment that limits access to members of the legal defense team. Defense counsel shall be responsible and accountable for maintaining, securing, and storing the Contractor A Investigation Materials, including all reproductions thereof, and taking all necessary precautions to prevent unauthorized access.

7. **Responsibility to Limit Disclosure of Sensitive Information.** If the legal defense team discusses Contractor A Investigation Materials with or defense counsel authorizes the viewing of Contractor A Investigation Materials by the defendant or a court-authorized person, the legal defense team shall ensure that neither the defendant nor any court-authorized person hears or views any portion of the Contractor A Investigation Materials that includes the following information:

- A. the names or nicknames of civilians;
- B. dates of birth;
- C. social security or taxpayer identification numbers;
- D. driver's license or non-driver's license identification card number;
- E. home, work or school addresses;
- F. telephone numbers, cellular numbers, or email addresses;
- G. relatives, including names and contact information;
- H. credit card, bank, debit, or other financial-account numbers; or
- I. medical or mental health history information.

8. **Responsibility to Prevent Reproduction During Viewing.** If defense counsel authorizes the defendant or a court-authorized person to view Contractor A Investigation Materials, the legal defense team shall ensure that the defendant or such court-authorized person does not copy, photograph, take screenshots, or otherwise reproduce the Contractor A Investigation Materials.

9. **Notifications Regarding this Order.** Defense counsel must provide members of the legal defense team, the defendant, and any other court-authorized person, with a copy of this

Order before providing them with access to, or permitting them to view, Contractor A Investigation Materials.

10. **Disposition Following the Conclusion of this Criminal Case.** Defense counsel may retain a copy of the Contractor A Investigation Materials following the conclusion of this case. This Order shall remain in effect after the conclusion of this case and shall continue to govern the dissemination, use, reproduction, storage, and retention of Contractor A Investigation Materials disclosed in this case. Nothing in this Order prevents the government from seeking a court order requiring that the Contractor A Investigation Materials be returned or to further restrict the retention of Contractor A Investigation Materials, and nothing in this Order prevents defense counsel from seeking a court order allowing broader retention of the Contractor A Investigation Materials.

11. **Automatic Exclusions from this Order.** This Order does not apply to Contractor A Investigation Materials that are, or later become, part of the public record, including materials that have been received in evidence in this or other public trials, or materials that are publicly released by the government.

12. **Scope of this Order.** This Order does not prevent any party from objecting to the discovery or admission of Contractor A Investigation Materials that it otherwise believes to be improper. This Order also does not constitute a ruling on: (A) any potential objection to the discoverability or admissibility of Contractor A Investigation Materials; or (B) whether any particular Contractor A Investigation Materials is properly discoverable or admissible. This Order is not intended to limit the use of Contractor A Investigation Materials in any judicial proceedings in this case.

13. **Modification of this Order.** Consent to this Order does not constitute a waiver or otherwise prevent any party from seeking modification of this Order.

SO ORDERED this _____ day of _____, 2021.

HONORABLE JUDGE SMITH