

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
OFFICE OF HEARING OFFICERS**

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

RESPONDENT 1

And

RESPONDENT 2

Respondents.

Disciplinary Proceeding
No. 2013035344201

Hearing Officer-CC

PROTECTIVE ORDER GOVERNING PERSONAL CONFIDENTIAL INFORMATION

FINRA disciplinary proceedings routinely require the production of personal confidential information ("PCI") that is protected by statute to guard against identity theft and other improper use. Accordingly, pursuant to FINRA Rules 9235, and subject to the limits set forth in FINRA Rule 9146(k)(2), the following provisions shall govern the production, handling, and use of PCI as defined below.

1. Defined Terms.

- a. **"Document"** means any writing, drawing, graph, chart, photograph, recording, or data compilation (including electronically stored information).
- b. **"Proceeding"** means the above-captioned disciplinary proceeding and any appellate proceedings related to this disciplinary proceeding.
- c. **"PCI"** means:
 - Social Security number or Individual Taxpayer ID Number;
 - Driver's license, state issued identification card, or passport number;
 - Financial account numbers (including checking and savings account numbers, credit card numbers, debit card numbers, or any other numbers or information that can be used to access the person's financial resources).

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2. Limited Third-Party Disclosures of Confidential Information.

The parties and their attorneys shall take reasonable and appropriate measures to prevent the inadvertent disclosure of PCI. The Department of Enforcement shall maintain all Documents that contain PCI in accordance with FINRA's standard procedures set forth in the FINRA Information Privacy and Protection Policy.

The parties and their attorneys shall limit the use of PCI to the litigation of this Proceeding and shall not share or otherwise disseminate PCI to any person or entity other than the following categories of persons:

- a.** The parties to this Proceeding.
- b.** The parties' attorneys who have entered an appearance in this Proceeding and their staff.
- c.** Court reporters and videographers employed for any on-the-record interview or hearing in this Proceeding.
- d.** Persons providing copying or exhibit preparation services (including outside vendors hired to process electronically stored Documents).
- e.** Consultants, experts, and their staff to the extent they are deemed to be reasonably necessary for the prosecution or defense of this Proceeding.
- f.** Non-party witnesses who testify or are reasonably expected to testify at the hearing or at an on-the-record interview in this Proceeding and their attorneys, on the condition that they are prohibited from disclosing or making use of any protected PCI that may be disclosed to them in the course of this Proceeding. Such witnesses and their attorneys may not retain Documents that contain PCI.
- g.** The authors, originators, and addressees of Documents containing the PCI.
- h.** The Office of Hearing Officers, its personnel and staff; the hearing panelists appointed in this disciplinary Proceeding; FINRA's Office of General Counsel, its personnel and staff; and members of FINRA's National Adjudicatory Council.
- i.** Other persons upon order of the presiding hearing officer or FINRA's Chief Hearing Officer.

Before providing Documents containing PCI to persons identified in category (2) above, a party (or a party's attorney) shall provide a copy of this Protective Order to all intended recipients, and shall caution them that they must comply with this Protective Order.

This Protective Order shall not restrict the use or disclosure by a party or a party's attorney of PCI such party or attorneys obtained independently of discovery in this Proceeding

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(whether or not such Documents or portions of Documents were also obtained through discovery in this Proceeding) or from disclosing their own PCI as they deem appropriate.

3. Obligations on Conclusion of Proceeding.

Respondents or their attorneys shall within 60 days after the conclusion of this Proceeding either return to the Department of Enforcement all Documents and copies of Documents that contain PCI that the Department of Enforcement produced in this Proceeding, or certify to the Department of Enforcement that all such Documents and copies of such Documents have been destroyed.

Notwithstanding the foregoing, Respondents' outside attorneys may retain one copy of pleadings, briefs, motions, memoranda, correspondence exchanged in this Proceeding, hearing transcripts, admitted exhibits, and attorney work product created in the course of this Proceeding. All retained Documents containing PCI shall continue to be protected under this Protective Order.

4. Applicable Law Protecting PCI.

The parties are reminded that the use and dissemination of PCI is governed by various state laws. Nothing in this Order authorizes Respondents to use or disseminate Documents containing PCI in a manner inconsistent with any applicable law.

5. Order Subject to Modification.

This Protective Order shall be subject to modification by the Hearing Officer on the Hearing Officer's own initiative or on a party's motion.

SO ORDERED.

Carla Carloni
Hearing Officer

October 1, 2015