IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANDRANIK GRIGORYAN, Petitioner, v. JAMAL L. JAMISON, in his official capacity as Warden of Federal Detention Center, Philadelphia, *et al.*, Respondents.	Case No. 25-cv-1389

PRIVACY ACT STIPULATION AND ORDER OF CONFIDENTIALITY

Petitioner Andranik Grigoryan and Respondents hereby agree and stipulate that—subject to the Court's approval and entry of this stipulation as an order as required by the Privacy Act, 5 U.S.C. § 552a(b)(11)—they will be bound by the terms and conditions of this stipulation, which governs the disclosure and handling of documents produced and disclosed in this case as set forth below.

1. This is a habeas matter in which Petitioner alleges that his detention under 8 U.S.C. § 1226(c) pending removal is unconstitutional.

2. While litigating this matter, Respondents expect that they will need to produce to Petitioner or file with the Court records that include personally identifiable or other information of Petitioner and third-party individuals—including Petitioner's medical and disciplinary records.

3. Certain documents and information exchanged or used in this litigation may be protected from public disclosure by the Privacy Act, 5 U.S.C. § 552a. Pursuant to the Privacy Act, federal agencies may not disclose certain records unless the subject of

the record consents or an exception applies, including disclosure pursuant to court order. *See* 5 U.S.C. § 552a(b)(11).

4. Petitioner's personal health information ("PHI") may also be relevant in this case and Petitioner wishes to protect his PHI from unnecessary public disclosure.

5. PHI is the demographic information, medical histories, test and laboratory results, mental health conditions, insurance information, and other data that a healthcare professional collects to identify an individual and determine appropriate care. The parties agree that the relevant definition for PHI found in the Health Insurance Portability and Accountability Act (HIPPA) of 1996 should control here. That definition provides that PHI is identifying information that relates to the past, present, or future health of an individual; the provision of healthcare to an individual; or the payment for the provision of healthcare to an individual. *See* 42 U.S.C. § 1320d(6).

6. Additional health information that may be sensitive or embarrassing to Petitioner may need to be used in this case and Petitioner wants to protect against unnecessary public disclosure of that information as well.

7. Respondents further anticipate that they may rely on information regarding Petitioner's withholding of removal under the Convention Against Torture (CAT), including information typically protected from disclosure under 8 C.F.R. § 208.6. Such information is exempt from protection against disclosure here, including under 8 C.F.R. §§ 208.6(c)(2)(ii) and 208.6(d)(1)(vi) (exempting disclosure "[a]s part of the Government's defense of any legal action relating to the alien's immigration or custody status").

8. To facilitate the litigation of in this matter, the parties agree to produce, pursuant to this stipulated Order: documents protected by the Privacy Act; Petitioner's

PHI; and additional health information. The stipulated Order is designed to maintain the confidentiality of records that will be disclosed pursuant to the Order and to allow the production, for use in this litigation, of PHI, additional health information, and Privacy Act-protected records to the parties, their counsel, agents, support staff, experts, and any other person(s) set forth in paragraph 14, below. Any person who has access to these documents: (a) shall be informed that they are confidential and subject to non-disclosure; and (b) must agree to be bound by this Order's terms.

9. Good cause exists for the Court to issue an order that authorizes limited disclosure of information protected by the Privacy Act and limits disclosure of Petitioner's PHI and additional health information, and limited disclosure is appropriate under Federal Rule of Civil Procedure 26(c).

10. Thus, counsel for Respondents may disclose materials protected by the Privacy Act to Petitioner and his counsel for inspection and copying and for use as necessary in this litigation. Any such documents shall be designated and marked as "Confidential."

11. Respondents may also seek, and Petitioner or his medical providers may produce, documents containing Petitioner's PHI or additional health information for use as necessary in this litigation. Any such documents shall be designated and marked as "Confidential."

12. For purposes of this Order, the term Confidential may apply to: (a) Petitioner's PHI and additional health information; (b) personal information protected by Local Rule 5.1.3; (c) materials protected by the Privacy Act; and (d) confidential and sensitive information maintained by the United States or its agencies.

13. Parties seeking the protection of this stipulation shall do so by marking or stamping the documents, materials, items, or information or portions thereof, as Confidential.

14. Upon the entry of this stipulation as an order, Respondents—including their employees or former employees, and counsel—may disclose as part this litigation information and documents that they believe may be protected by the Privacy Act or that may otherwise contain personal, confidential, or sensitive information.

15. Subject to the objection procedures set forth in paragraph 25 below, any document produced and designated as Confidential may be disclosed only during the course of and for purposes of this litigation and may be viewed and used only by the following persons: (a) the parties to this litigation, agency counsel, and counsel of record (to include paralegals, administrative staff, and other agents of counsel of record); (b) qualified persons taking testimony involving such documents or information; (c) experts or consultants employed by the parties or their counsel of record for the purposes of providing expert opinions or testimony during the course of this litigation; (d) the Court, its staff, or any designated Magistrate Judges, Special Masters, or Mediators; and (e) witnesses under oath during deposition or other sworn testimony. The documents designated as Confidential will not be disclosed to additional persons or entities, including government agencies other than the U.S. Department of Justice or Respondents, unless subject to a subpoena or court order, by prior written agreement, or otherwise required by law. The prohibition against disclosure of Confidential items or testimony shall remain in effect beyond the resolution of this case.

16. Confidential information shall not be disclosed to any person or in any manner not specified in this Order or be used for any purpose other than the prosecution and defense of this lawsuit.

17. Persons who obtain Confidential information pursuant to this Order shall use or disseminate such information only in connection with or preparation for dealings in this case and, absent leave of Court, shall not: (a) use such information for any other purpose; or (b) disclose such information to any person other than those specified in this Order. Any copies or summaries of Confidential information shall be protected from disclosure except as needed in this litigation.

18. Respondents may produce documents that contain Confidential information in non-redacted format. But should any party intend to use such documents in a manner in which they may become a matter of public record (for example, in a court filing or as a trial exhibit), the party shall redact all personally identifiable information from each document, including as mandated by Local Rule 5.1.3 of the Local Rules of Civil Procedure for the United States District Court for the Eastern District of Pennsylvania.

19. If a party wishes to modify this stipulated Order or its application to certain persons, documents, or information, the party shall first request such modification from the other party. Modification shall be effective upon the parties' agreement in writing. If the parties do not reach an agreement, they may petition the Court for modification. The terms of this Order shall govern unless and until the parties reach an agreement in writing or the Court grants modification. This Order does not govern the use of Confidential information at any trial; any such use shall be governed by subsequent agreement or by pretrial order.

20. Confidential documents shall be destroyed (shredded) or returned to Petitioner or Respondents' counsel, as appropriate, within sixty (60) days after this litigation fully and finally concludes. If the documents are properly destroyed, counsel for each side shall so notify, in writing, opposing counsel of record.

21. This stipulated Order does not constitute a ruling on the question whether particular records or portions of records are discoverable or admissible. Nor does it constitute a ruling on whether certain records or portions of records contain privileged information. Moreover, this stipulated Order shall not be construed as a waiver by any party of any objections that might be raised as to the production or admissibility of any records that may be responsive to discovery requests. This Order also does not limit or in any way preclude the rights of Respondents to review and/or maintain records containing information subject to the Privacy Act.

22. Unless the parties stipulate otherwise, evidence of the existence or nonexistence of a Confidential designation under this stipulated protective Order shall not be admissible for any purpose, nor shall the designation or acceptance of any information designated Confidential pursuant to this stipulated protective Order constitute an admission or acknowledgment that the material so designated is, in fact, Confidential.

23. Designation of a document as Confidential under this stipulated protective Order does not preclude the parties from further withholding the document from disclosure if the document is also the subject of a privilege from disclosure log and privilege is claimed pursuant to a recognized privilege.

24. The Court reserves its inherent power to modify the terms of this agreement and permit the disclosure of information where the interest of justice so requires.

25. Any party may object to another party's designation of a document as Confidential at any time. Such objection must be made in writing and served on the party claiming Confidentiality. A disputed item shall remain Confidential and subject to this stipulated protective Order until the designation has been removed by voluntary agreement or by Court order. The right of a party to object to the designation of information as Confidential shall survive the termination and disposition of this litigation.

26. Nothing contained in this stipulated protective Order shall preclude the use of information designated as Confidential in an affidavit, motion, brief, memorandum or other document filed with the Court in connection with this litigation, provided that the information is necessary for use in connection with the litigation and is properly, in accordance with this stipulated Order, (a) redacted; or (b) with leave of Court, marked, secured, and filed under seal.

27. Any party seeking to file any document containing Confidential information under seal must first, by motion, obtain leave from the Court to do so, and the producing party will cooperate with any request for an affidavit in support of such a motion.

28. Pursuant to Local Rule 5.1.2, counsel for the parties consent to the submission of this stipulation with their electronic signatures below.

SO STIPULATED AND AGREED:

Dated: April 3, 2025

/s/ Ellyn Jameson
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Counsel for Respondents

APPROVED AND SO ORDERED BY THE COURT

on this 8th day of April 2025:

/s/ Gerald J. Pappert
Gerald J. Pappert
United States District Judge