IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA *v.* DARRELL THOMAS, ANDRE LEE GAINES, KAHLIL GIBRAN GREEN SR. A/K/A KHALIL GREEN, BERN BENOIT A/K/A BURN BENOIT, AND CARLA JACKSON	Criminal Action No. 1:20-cr-296-JPB-AJB

Government's Motion for Protective Order for Discovery Materials

The United States of America, by Byung J. Pak, United States Attorney, and Tal C. Chaiken and Nathan P. Kitchens, Assistant United States Attorneys for the Northern District of Georgia, moves for a protective order to limit the defendants' use and dissemination of information provided in discovery to that which is reasonably necessary to prepare their defense, pursuant to Federal Rule of Criminal Procedure 16(d)(1).

In support of its motion, the United States submits as follows:

1. On August 4, 2020, a grand jury in the Northern District of Georgia returned a 30-count Indictment against Darrell Thomas, Andre Lee Gaines, Kahlil Gibran Green, Sr., Bern Benoit, and Carla Jackson for conspiracy to commit bank fraud and wire fraud in violation of Title 18, United States Code, Section 1349; bank fraud in violation of Title 18, United States Code, Section 1344;

wire fraud in violation of Title 18, United States Code, Section 1343; false statement to a federally insured financial institution in violation of Title 18, United States Code, Section 1014; and/or money laundering in violation of Title 18, United States Code, Sections 1956 and 1957.

2. The United States provided Rule 16 discovery to Thomas and Gaines at arraignment, will provide Rule 16 discovery to Jackson's newly appointed counsel, and will provide Rule 16 discovery to Green and Benoit at arraignment.

3. The United States considers many of the records that will be produced in this case to be "sensitive materials" in that they contain dates of birth, addresses, social security numbers, and bank account numbers for individuals who are not parties to this litigation. Given the volume of discovery materials in this case, redaction of all "sensitive information" within the materials would be unduly burdensome and would be subject to error. Further, the degree of redaction that would be required for certain documents may obscure some of the documents and make them illegible.

4. As a result, pursuant to Federal Rule of Criminal Procedure 16(d)(1), the United States requests that a protective order be issued to guard against the unwarranted dissemination of the discovery materials in this case. *See* FED. R. CRIM. P. 16(d)(1) ("[a]t any time the court may, for good cause, deny, restrict, or defer discovery or inspection, or grant other appropriate relief").

5. First, the United States requests an order mandating that any discovery materials and all information included in the discovery materials (regardless of whether such materials are defined as discovery under Rule 16) that are

provided by the United States to the defendants shall not be further disseminated by the defendants or their counsel to any individuals, organizations, or other entities, except to:

a. Members of the defense team (co-counsel, paralegals, investigators, litigation support personnel, the defendants, and secretarial staff);

b. Any experts or consultants retained to assist in the preparation of the defense; or

c. The Court.

6. Second, the United States requests an order requiring that all discovery is to be provided and used by the defendants and their counsel exclusively for the purpose of allowing the defendants to prepare a defense, and that the defendants, defense counsel, and members of the defense team will not disseminate, disclose, or provide the discovery produced by the United States to anyone who is not necessary to the preparation of the defense.

7. The United States submits that these protective measures are necessary to guard against dissemination of confidential and sensitive personal information and that a protective order is the most reasonable way of balancing the defendants' need for access to these materials with the rights of individuals whose information may be reflected in this discovery.

8. Pursuant to Local Criminal Rule 12.1(D), undersigned counsel communicated with defense counsel for Thomas, Gaines, Green, Benoit, and Jackson about the relief sought in this motion. Undersigned counsel understands that the defendants consent to the entry of this protective order.

WHEREFORE, and based on good cause shown, the United States respectfully requests that the Court issue the submitted protective order.

Dated: August 13, 2020

Respectfully submitted,

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Certificate of Service

The United States Attorney's Office served this document today by filing it using the Court's CM/ECF system, which automatically notifies the parties and counsel of record.

August 13, 2020

/s/ TAL C. CHAIKEN

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Assistant United States Attorney