

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIC SHIBLEY,

Defendant.

NO. CR20-174JCC

**STIPULATED MOTION FOR ENTRY
OF A PROTECTIVE ORDER**

Noted: October 23, 2020

I. INTRODUCTION

The United States of America, by and through Brian T. Moran, United States Attorney for the Western District of Washington, Brian Werner, Assistant United States Attorney for the Western District of Washington, Daniel S. Kahn, Acting Chief, Fraud Section, Department of Justice, Laura Connelly and Amanda R. Vaughn, Trial Attorneys, and the defendant, ERIC SHIBLEY, by and through his attorney Michael Nance, hereby move for entry of a protective order regarding the discovery materials described below.

II. THE NEED FOR A PROTECTIVE ORDER

The Indictment in this case alleges that Defendant Shibley, through various entities he controlled, submitted fraudulent Payroll Protection Program (“PPP”) and Economic Injury Disaster Loan (“EIDL”) applications which falsely represented the

1 number of employees, monthly payroll expenses, and gross revenues of the Shibley
2 entities, as well as Shibley's probation status. The discovery in this case will contain the
3 personal information of certain individuals the Defendant claimed as employees of his
4 business, including personal identifying information that is protected from disclosure
5 under applicable law, including Fed. R. Crim. P. 49.1. Furthermore, documents involved
6 in this case may include information concerning business and financial information or
7 data.

8 The parties stipulate to the entry of the attached protective order to ensure that
9 personal information is treated as "Protected Material" and not used for any other
10 purpose than preparing a defense in this matter, and that copies of Protected Materials
11 may only be provided to counsel and counsel's staff. The government will identify what
12 is "Protected Material" at the time it produces it to defense. However, counsel may
13 review Protected Material with clients and witnesses, so long as they do not provide the
14 client/witness with a copy of the Protected Material.

15 The personal information of any witness may not be filed or used in Court without
16 redaction or further order of the Court. See Local Rules W.D. Wash., CrR 49.1.

17 The government provided pre-indictment discovery to the Defendant in July 2020,
18 pursuant to a Confidentiality Agreement dated July 15, 2020. The parties agree that all
19 previously produced discovery shall now be governed by the attached protective order.

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1 **III. CONCLUSION**

2 For the foregoing reasons, the parties respectfully request that the Court enter the
3 attached protective order.

4 Dated this 23rd day of October 2020.

5 Respectfully submitted,

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7 United States Attorney

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