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UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. FONTRELL ANTONIO BAINES, aka "Nuke Bizzle," Defendant.	No. CR 20-522-MWF GOVERNMENT'S *EX PARTE* APPLICATION FOR A PROTECTIVE ORDER REGARDING DISCOVERY CONTAINING PERSONAL IDENTIFYING INFORMATION AND PRIVACY ACT INFORMATION: DECLARATION OF RANEE A. KATZENSTEIN [PROPOSED ORDER LODGED SEPARATELY]

Plaintiff, United States of America, by and through its counsel of record, the United States Attorney for the Central District of California and Assistant United States Attorney Ranee A. Katzenstein, for the reasons set forth in the attached declaration of AUSA Katzenstein, requests that the Court enter the proposed protective order (the "Protective Order") governing the use and dissemination of (1) personal identifying information ("PII") of real persons pursuant to Federal Rule of Criminal Procedure Rule 16(d)(1), and (2) material that may contain information within the scope of the Privacy Act.

On November 6, 2020, the government sent the proposed protective order to counsel for defendant, seeking counsel's position on the proposed order, which the government explained would facilitate the production of discovery in this case, and whether defendant would enter into a stipulation requesting entry of the protective order. On November 19, 2020, counsel stated that she declined to enter into the proposed stipulation because she has been unable to communicate with her client regarding it because of the quarantine and other conditions put in place at the Metropolitan Detention Center.

The government is proceeding by way of *ex parte* application rather than noticed motion in order to expedite the government's ability to produce discovery in this matter. As is further explained in the declaration of AUSA Katzenstein, the discovery in this matter contains third parties' PII. The government seeks the requested protective order to: (1) protect the privacy and security of the information's legitimate owners; (2) be able to produce information that would otherwise have to be redacted to comply with Federal Rule of Criminal Procedure 49.1, the Central District of California's Local Rules regarding redaction, and the Privacy Policy of the United States Judicial Conference, which information may have evidentiary value; and (3) satisfy the requirements of the Privacy

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Act, 5 U.S.C. § 552a, to the extent documents in the discovery to be produced come within the scope of the Privacy Act.

Respectfully Submitted,

NICOLA T. HANNA
United States Attorney

BRANDON D. FOX
Assistant United States Attorney
Chief, Criminal Division

DATED: Nov. 19, 2020

/S/ *Ranee A. Katzenstein*
RANEE A. KATZENSTEIN
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