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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

DENNIS MONTGOMERY and the)	
MONTGOMERY FAMILY TRUST)	3:06-CV-00056-PMP-VPC
)	BASE FILE
Plaintiffs,)	
)	3:06-CV-00145-PMP-VPC
vs.)	
)	<u>ORDER RE PROTECTIVE ORDER</u>
ETREPPID TECHNOLOGIES, LLC;)	
WARREN TREPP; and the UNITED)	
STATES DEPARTMENT OF DEFENSE,)	
)	
Defendants.)	
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AND ALL RELATED MATTERS.)	
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Prior to consolidation of these two related cases, Defendant United States Department of Defense filed Motions for Protective Order (3:06-CV-00056-PMP-VPC, Doc. #83, and 3:06-CV-00145-PMP-VPC, Doc. #51) to prevent disclosure of information that could harm the national security interests of the United States. Specifically, the United States' seeks a protective order pursuant to Federal Rule of Civil Procedure 26(c) to prevent the disclosure of information relating to (1) the existence or non-existence of any actual or proposed relationship, agreement, connection, contract, transaction, communication or meeting of any kind between an intelligence agency as defined in 50 U.S.C. § 401(a)(4), which includes intelligence elements of the military services; and (2) any actual or proposed interest in, application, or use by any intelligence agency, or any current or former official, employee, or representative thereof, of any technology, software, or source code owned or claimed by any individuals or entities associated with these lawsuits.

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1 The United States' supports its application for protective order under the military
2 and States Secret privilege by the Declaration of John D. Negroponte, formally Director of
3 National Intelligence, and a Classified Declaration which has been reviewed by the Court in
4 camera and ex parte, which demonstrate that disclosure of information at issue in this
5 litigation subject to the proposed protective order could be expected to cause serious, and
6 some cases exceptionally grave damage to national security.

7 Issues relating to whether information subject to a claim of military and states
8 secrets privilege were contained in pleadings, motions, declarations and other materials
9 filed in these consolidated cases as well as in the related in the Search Warrant case (3:06-
10 CV-0263-PMP-VPC), have required considerable attention by the parties and the Court. In
11 this regard, counsel for Defendant United States' and those authorized to assert the military and
12 states secrets privilege on behalf of Defendant United States' have met with counsel in these
13 related actions as well as with counsel in the related Search Warrant case, and have reviewed
14 copies of all pleadings, motions, documents and exhibits filed in the above referenced cases
15 for the purpose of identifying and redacting those portions subject to a claim of military and
16 state secrets privilege on behalf of Defendant United States. The Court has reviewed all
17 such papers in camera and ex parte with counsel for Defendant United States' and those
18 authorized to assert the military and states secret privilege on behalf of Defendant United
19 States, and has approved the redaction of material subject to the privilege claim.

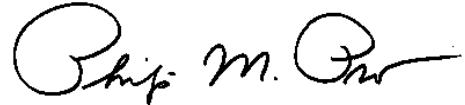
20 Defendant United States' Department of Defense Motion for Protective Order
21 has now been fully briefed and on June 12, 2007, the Court conducted a hearing regarding
22 the United States' Motion for Protective Order and other pending motions.

23 On June 21, 2007, Defendant United States' filed a Revised Proposed Protective
24 Order (3:06-CV-00056-PMP-VPC (Doc. #196). The Court finds that said Protective Order
25 is warranted as to form and content and hereby approves the same.

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1 IT IS THEREFORE ORDERED that Defendant United States Department of
2 Defense Motions for Protective Order (3:06-CV-00056-PMP-VPC, Doc. #83, and 3:06-CV-
3 00145-PMP-VPC, Doc. #51) is GRANTED.

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5 DATED: August 29, 2007.

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PHILIP M. PRO
9 United States District Judge
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