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- Ohio Community Forensic Association, Suicide and the Criminal Justice Population, Columbus, OH, March 2000.
- Hawaii Criminal Justice Association, 3rd Annual Conference, Keynote Address, Honolulu, HI, March 2000.
- National Commission on Correctional Health Care, 23rd National Conference on Correctional Health Care, Fort Lauderdale, FL, November 1999.
- Council of Juvenile Correctional Administrators, Western Regional Meeting, Tucson, AZ, November 1999.
- Florida Senate and House of Representatives, Committees on Corrections, Presentation on Suicide in Florida Prisons, Tallahassee, FL, January 1999.
- Open Society Institute, 1st National Conference on Death and Dying in Prisons and Jails, New York, NY, November 1998.
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- Oregon Senate and House of Representatives, Senate Judiciary Crime and Civil Subcommittee and House Interim Committee on Judiciary, Presentation on Suicides in Hillcrest Youth Correctional Facility, Salem, OR, March 1998.
- Combined California Correctional Associations, Keys to Inmate Management Conference, Concord, CA, March 1998.
- Wood County Juvenile Detention Center, 1998 Ohio Regional Juvenile Suicide Awareness Seminar, Bowling Green, OH, March 1998.
- Netherlands Institute for the Study of Criminology and Law Enforcement, Leiden University, Leiden, The Netherlands, July 1997.
- Institute for the Study and Treatment of Delinquency, 3rd International Conference on Deaths in Custody, Uxbridge, England, July 1997.
- National Juvenile Detention Association, 9th Annual National Juvenile Services Training Institute, Indianapolis, IN, June 1997.
- National Commission on Correctional Health Care, 20th National Conference on Correctional Health Care, Certified Correctional Health Care Program, Nashville, TN, October 1996.

- Sam Houston State University, Criminal Justice Center, 27th Annual Jail Management Conference, Huntsville, TX, October 1996.
- Oregon Jail Managers' Association, Bend, OR, August 1996.
- Ohio Department of Rehabilitation and Correction, Correctional Health Care Conference, Columbus, OH, May 1996.
- U.S. Department of the Army, U.S. Army Military Police Support Agency, Army Corrections Conference, Fort Belvoir, VA, December 1995.
- National Commission on Correctional Health Care, 19th National Conference on Correctional Health Care, Washington, DC, November 1995.
- Centers for Disease Control and Prevention, National Violence Prevention Conference, Des Moines, IA, October 1995.
- National Commission on Correctional Health Care, National Conference on Legal Issues in Correctional Health Care, Chicago, IL, June 1995.
- Louisiana State University, School of Social Work, Office of Correctional Studies, Prison Suicide Prevention Workshop, Baton Rouge, LA, September 1994.
- Wisconsin Department of Corrections, Suicide Prevention in Detention Facilities Seminar, Wisconsin Dells, WI, September 1994.
- University of Virginia, Institute of Law, Psychiatry and Public Policy, 26th Semi-Annual Forensic Symposium: Jails and Mental Health Services, Charlottesville, VA, May 1994.
- American Association of Suicidology, 27th Annual Conference, New York, NY, April 1994.
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- Pennsylvania Prison Warden's Association, Jail Suicide Prevention Seminar, Bethlehem, PA, November 1992.
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- Iowa State Sheriffs' and Deputies' Association, First Annual 20-Hour Jail School, Ames, IA, February 1992.
- Institute for the Study and Treatment of Delinquency, Diamond Jubilee Conference -- Deaths in Custody, Canterbury, England, March 1991.
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- American Jail Association, 8th Annual Training Conference, Hollywood, FL, April 1989.
- American Jail Association, 7th Annual Training Conference, Los Angeles, CA, April 1988.

- National Conference on Alcohol Countermeasures and Occupant Protection, Boston, MA, March 1988.
- American Correctional Association, Winter Conference, Phoenix, AZ, January 1988.
- American Association of Correctional Training Personnel and the Juvenile Justice Trainers Association, 3rd Annual National Correctional Trainers Conference, Pittsburgh, PA, October 1987.
- Police Foundation, Police Litigation Prevention Seminar, Chicago, IL, May 1987.
- University of Maine, Conference on Preventing Youth Suicides, Kennebunkport, ME, May 1987.
- Centers for Disease Control, 1987 Conference on Injury in America, Atlanta, GA, February 1987.
- Southeastern Psychological Association, 29th Annual Meeting, Atlanta, GA, March 1983.
- American Association of Suicidology, 16th Annual Conference, Dallas, TX, April 1983.

PUBLICATIONS

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- “Juvenile Suicide in Confinement – Findings from the First National Survey,” *Suicide and Life-Threatening Behavior*, 39 (4): 353-363, 2009.
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 - “Looking Ahead Toward a Better Understanding of Suicide Prevention in Correctional Facilities,” 17 (1), Summer 2008.
 - “Liability for Custodial Suicide: A Look Back,” 16 (4), Spring 2008.
 - Special Issue on Preventing Suicides Through Prompt Emergency Response and Intervention,” 16 (3), Winter 2008.
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- “Suicide Prevention and Manipulative Behavior,” 10 (2), Spring, 2001.
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- “Preventing Suicide Through Prompt Intervention,” 4 (3), Fall 1992.
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OTHER SELECTED TECHNICAL ASSISTANCE/RESEARCH PROJECT REPORTS

- *Technical Assistance Report on Suicide Prevention Practices Within the Massachusetts Department of Correction* January 2007.
- *An Assessment of Suicide Prevention Practices at the MacLaren Youth Correctional Facility*, September 2004.
- *Report on Suicide Prevention Practices Within the Arizona Department of Juvenile Corrections*, July 2003.
- *An Evaluation of Bridgewater State Hospital's Suicide Prevention Policies and Practices*, June 2000.
- *An Assessment of Suicide Prevention Practices at the Hillcrest Youth Correctional Facility*, April 1998.
- *Suicide Prevention in the Central Detention Facility: An Assessment and Corrective Action Plan*, July 1994.
- *Suicide Prevention in YSA Facilities: A Status Report and Corrective Action Plan*, September 1992.

OTHER SIGNIFICANT DATA

- Testimony before the Joint Committee on Mental Health and Substance Abuse and the Joint Committee on Public Safety and Homeland Security regarding *Suicide Prevention Practices Within the Massachusetts Department of Corrections*, State House, Boston, MA, May 1, 2007.
- Consulting Editor and Editorial Board Member of *Suicide and Life-Threatening Behavior*, the official scientific journal of the American Association of Suicidology, 2004 to Present.
- Editorial Board Member of *Crisis: The Journal of Crisis Intervention and Suicide Prevention*, the official scientific journal of the International Association of Suicide Prevention, 2004 to Present.
- Recipient of the National Commission on Correctional Health Care's B. Jaye Anno Award of Excellence in Communication for an outstanding contribution to the field of suicide prevention in correctional facilities, November 2001.
- Recipient of a Governor's Citation by the Governor of the State of Maryland for assistance in the implementation of revised suicide prevention policies in the state's juvenile institutions, October, 2001.
- Principal Investigator, *Evaluation of Suicide Prevention Policies and Practices at Bridgewater State Hospital*, Massachusetts, 2000.
- Testimony before the House of Representatives Committee on Corrections regarding *Suicides in Florida Prisons*, State Capitol, Tallahassee, FL., January 9, 1999.
- Testimony before the House Interim Committee on Judiciary and the Senate Judiciary Crime and Civil Subcommittee regarding *Suicide Prevention Practices at the Hillcrest Youth Correctional Facility*, State Capitol, Salem, OR, March 10, 1998.
- Suicide Prevention Consultant to the Council of Juvenile Correctional Administrators, 1998 to Present.
- Jail Suicide Prevention Expert to Special Master in *Campbell v. McGruder, et al* (District of Columbia), 1994 to 1997.

- Juvenile Suicide Prevention Expert to Special Master in *Jerry M. v. District of Columbia, et al*, 1989 to Present.
- Special Editor for series devoted to international perspective of jail suicides in *Crisis: The Journal of Crisis Intervention and Suicide Prevention*, 18 (4), 1997.
- Columnist/Reviewer to *Crisis: The Journal of Crisis Intervention and Suicide Prevention*, 1992 to 2005.
- Invited Lecturer, School of Justice, The American University, Washington, D.C., January 1985 to April 1990.
- Outstanding Alumnus, School of Justice, The American University, Washington, D.C., Spring 1985.

SUICIDE PREVENTION SERVICES (staff training, program assessment/development and litigation consultation) PROVIDED TO HUNDREDS OF LOCAL AND STATE JURISDICTIONS IN THE FOLLOWING STATES: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington (State), West Virginia, Wisconsin, and Wyoming.

Listings of training, technical assistance, and litigation consultation in suicide prevention furnished upon request.

September 2009

Exhibit B

List of Documents Reviewed by Lindsay M. Hayes

1. New York State Commission on Corrections, Apr. 30, 2007 Corrective Action Evaluation
2. New York State Commission on Corrections, Aug. 6, 2007 Corrective Action Evaluation
3. New York State Commission of Corrections Findings regarding the Death of Inmate CJ, Aug. 20, 1998
4. New York State Commission of Corrections Findings regarding the Death of Inmate EF, July 5, 2002
5. New York State Commission of Corrections Findings regarding the Death of Inmate MB, Sept. 14, 2002
6. New York State Commission of Corrections Findings regarding the Death of Inmate EB, Aug. 28, 2003
7. New York State Commission of Corrections Findings regarding the Death of Inmate JM, Apr. 29, 2003
8. New York State Commission of Corrections Findings regarding the Death of Inmate MS, Sept. 22, 2004
9. New York State Commission of Corrections Findings regarding the Death of Inmate JA, Apr. 20, 2005
10. New York State Commission of Corrections Findings regarding the Death of Inmate CT, May 14, 2005
11. New York State Commission of Corrections Report Regarding the Death of Inmate MR, Jan. 23, 2007
12. New York State Commission of Corrections Report Regarding the Death of Inmate JJ, Mar. 31, 2008
13. New York State Commission of Corrections Report Regarding the Death of Inmate JR, Apr. 30, 2008
14. Incident Reports:
 - a. IR 07-005

- b. IR 07-007
- c. IR 07-019
- d. IR 07-026
- e. IR 07-039
- f. IR 07-046
- g. IR 07-054
- h. IR 07-069
- i. IR 07-078
- j. IR 07-084
- k. IR 07-130
- l. IR 07-132
- m. IR 07-150
- n. IR 07-153
- o. IR 07-157
- p. IR 07-195
- q. IR 07-203
- r. IR 07-214
- s. IR 08-010
- t. IR 08-028

15. Additional Information Regarding Suicides Between 2000-2005, Received from David Elibol, Esq., Aug. 14, 2008.

- a. JM, Apr. 29, 2003
- b. MS, Sept. 22, 2004
- c. PC, Sept. 11, 2004
- d. JA, Apr. 20, 2005
- e. CT, May 14, 2005

16. Pathological Examination of JJ, ME 631-08

17. Sample Forms: ECHC

- a. Forensic Referral
- b. Suicide Prevention Screening Guidelines
- c. Suspected Suicidal Inmate Notification Form
- d. Forensic Referrals Log
- e. Suspected Suicidal Inmate Referral Form (JMD-227)

18. National Commission on Correctional Health Care Health Services Study, Jan. 10, 2008, revised Feb. 11, 2008

19. Relevant Articles:

- a. Stephen Watson, "Jail Death Attributed to Suicide," Buffalo News Aug. 30, 2003
- b. Dianne McQuillen, "Prisoner's Death Makes No Sense," Buffalo News, Feb. 6, 2004

- c. "2 Recent Hanging Deaths at Jail Prompt Review," Buffalo News, Sept. 24, 2004
 - d. "Heroin Suspect Found Hanged in County Jail," Buffalo News, May 19, 2005
 - e. Vanessa Thomas, "Suicide, Attempt in Holding Center Probed," Buffalo News, Feb. 14, 2007
 - f. "Alden Man Hangs Himself After Being Sentenced," May 1, 2008 (EC_POST10062-63)
 - g. Matthew Spina, "Collins Bars Investigation Into Deaths in County Jails," Buffalo News, Aug. 10, 2008
 - h. "Jail Employees Thwart Inmate's Attempted Suicide," Buffalo News, Dec. 3, 2008
 - i. "Holding Center Inmate, 21, Saved From Suicide Attempt," Buffalo News, May 12, 2009
 - j. "Deputies Say Inmate, 17, Tried to Hang Himself," Buffalo News, May 31, 2009
 - k. "Deputies Rescue Inmate After Suicide Attempt," Buffalo News, Jun. 6, 2009
 - l. "Inmate Injured in Jump in Holding Center," Buffalo News, Jun. 25, 2009
 - m. Matthew Spina and Gene Warner, "Suicide Try Made in Holding Center - County Said Officers Did All They Could," Buffalo News, Dec. 19, 2009
 - n. Patrick Lakamp, "Inmate who Tried to Kill Self in Cell Dies," Buffalo News, Dec. 21, 2009
 - o. Matthew Spina, "Another Holding Center Inmate Attempts Suicide," Buffalo News, Jan. 18, 2010.
20. July 15, 2009 Erie County Holding Center and Erie County Correctional Facility investigation Findings Letter
21. September 10, 2009 Erie County response to USDOJ Findings Letter
22. Erie County Sheriff's Office Jail Management Division Policy and Procedure Manual, # JMD 13.00.00 Suicide Prevention
23. Suicide Prevention & Crisis Intervention in County Jails & Police Lockups Officer's Handbook
24. Suicide Prevention & Crisis Intervention in County Jails & Police Lockups Refresher Program Trainer's Manual
25. Suicide Training & Refresher

EXHIBIT D

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

DECISION AND ORDER
09-CV-849S

ERIE COUNTY, NY,

CHRIS COLLINS,

County Executive,

ANTHONY BILLITTIER, IV, MD

County Health Commissioner,

TIMOTHY B. HOWARD,

Erie County Sheriff,

RICHARD T. DONOVAN,

Erie County Undersheriff,

ROBERT KOCH,

Superintendent Administrative Services Division,

Jail Management Division,

BARBARA LEARY,

First Deputy Superintendent,

Erie County Holding Center,

DONALD LIVINGSTON,

First Deputy Superintendent,

Erie County Correctional Facility,

Defendants.

I. INTRODUCTION

Presently pending are the parties' discovery-related motions filed in response to this Court's March 6, 2010 Decision and Order granting the Justice Department's Motion for Expedited Discovery. The Justice Department filed a Motion to Compel Defendants' compliance on March 11, 2010. Defendants filed a Motion for Protective Order on March 12, 2010. Both sides seek expedited treatment of their motions. Briefing concluded yesterday, March 16, 2010.

For the reasons that follow, expedited treatment is granted and the motions are granted in part and denied in part.

II. BACKGROUND

On March 6, 2010, this Court granted the Justice Department's request for expedited discovery concerning whether changes can be made at the Erie County Holding Center ("ECHC") to decrease incidents of preventable suicides and suicide attempts. (Docket No. 42.) The discovery sought included information related to suicide prevention and mental health treatment, as well as entry and inspection of the ECHC to allow suicide prevention and mental health consultants to examine the facility, inspect relevant records, and interview inmates. (Fleisher Declaration; Docket No. 27, ¶ 5; United States' First Request for Entry and Inspection, Docket No. 27-4.) In granting the Justice Department's motion, this Court rejected Defendants' arguments that the Justice Department lacked good cause for expedited discovery, that the requested discovery was over-broad and unduly burdensome, and that the requests ran afoul of state and federal confidentiality laws.

This Court granted limited expedited discovery and directed Defendants to respond to the Justice Department's three sets of discovery requests within 14 days of service. The approved discovery requests included Requests for Interrogatories, Requests for Production of Documents, and a Request for Entry and Inspection. (Docket Nos. 27-2, 27-3, 27-4.)

At issue is the scope of the Justice Department's Request for Entry and Inspection.

In pertinent part, the request seeks the following:

- entry and inspection of the ECHC by Justice Department attorneys and consultants;
- review of requested documents;
- examination of the premises for conditions related to mental health treatment and suicide prevention at the facility;
- access to ECHC staff who are able to answer questions about the premises and processes viewed during the facility inspection;
- interviewing of inmates, outside the presence of ECHC staff or defendants' counsel, on issues of mental health treatment and suicide prevention at the facility.

(Docket No. 27-4.)

Although Defendants will permit the Justice Department entry to the ECHC and are in the process of producing records, they seek a Protective Order barring any interviewing of County employees or inmates that does not comport with the Federal Rules of Civil Procedure. The Justice Department, on the other hand, seeks an order compelling Defendants to comply with this Court's March 6, 2010 Decision and Order and the discovery requests as written.

III. DISCUSSION

The Justice Department's request to enter and inspect the ECHC is proper under Rule 34(a)(2) of the Federal Rules of Civil Procedure. Defendants argue, however, that the Justice Department's additional requests to informally interview County employees and inmates are not authorized by Rule 34 and are barred by Rule 30, which governs depositions. Defendants also seek clarification as to several logistical concerns related to

the inspection of the ECHC.

A. County Employees

This Court ordered that Defendants allow the Justice Department access to the ECHC on March 22 and 23, 2010, finding that “access to the ECHC is not unduly burdensome as County lawyers and representatives may accompany the Justice Department and will be present when County employees are questioned.” (Docket No. 42.) Access is necessary for the Justice Department’s consultants to examine mental health treatment and suicide prevention conditions at the ECHC, and for them to gain an understanding of related practices and policies. To this end, the Justice Department requests the opportunity to interview inmates and have access to ECHC staff who are able to provide information about the premises and processes viewed during the inspection.

Defendants maintain that informal interviewing of County employees, even with County lawyers present, violates the federal rules because County employees are essentially represented parties in this lawsuit. As such, statements from County employees may be taken only by noticed deposition, in compliance with Rule 30. Defendants also note that the Justice Department has not identified any specific individuals or categories of individuals that it would like to question, beyond the broad request for “staff who are able to answer questions about the premises and processes viewed during the facility inspection.” (Docket No. 27-4.)

Rule 34(a)(2) of the Federal Rules of Civil Procedure authorizes service of a request “to permit entry onto designated land or other property possessed or controlled by the responding party, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.”

Rule 34, like all federal discovery rules, is to be liberally construed. In this Court's view, permitting consultants entry to the ECHC to examine the suicide and mental health protocols falls within an inspection of an "operation" on property. See Rule 34(a)(2). In Coleman v. Schwarzenegger, for example, the plaintiffs requested site inspections of ten prisons by their experts, including a request that their experts be permitted to interview prison staff. No. CIV S-90-0520, 2007 WL 3231706 (E.D.Cal. Oct. 30, 2007). The defendants objected on the same basis that Defendants do here — that only Rule 30 permits a party to take the testimony of another person. Id. at *1. The court rejected the defendants' argument and instead held under Rule 34 that "questions by experts directed to prison employees . . . concerning those matters identified in plaintiffs' inspection requests [which included access to medical and mental health care] are properly included as part of an inspection of "any operation" on the prison facilities to be inspected." Id. at 2.

This Court agrees with the Coleman court's construction of Rule 34(a)(2), particularly as it relates to the scope of inspection afforded a consultant or expert to inspect an "operation" on the property. Defendants argue that Coleman is distinguishable because the decision came in the compliance phase of that litigation. This argument is unpersuasive, however, because the phase of the litigation is not material to the court's construction of what Rule 34 allows. Accordingly, the Justice Department's consultants shall be permitted to interview or question ECHC and other County employees as necessary during the course of the site inspection on the issues of suicide prevention and mental health processes and procedures. Reasonable access to employees is necessary for the consultants to form an understanding and opinion about the suicide practices and

protocols at the ECHC. Moreover, there is no danger of prejudice or element of surprise to Defendants because their attorneys are permitted to accompany the consultants and advise County employees as they see fit.

But interviews of County employees by Justice Department attorneys are different. This Court previously held that County attorneys may be present during the Justice Department's questioning of County employees. But this Court did not consider the precise parameters of the Justice Department's questioning. The investigative work of lawyers is different from that of consultants or experts. Because County employees are represented by the County Attorney's office and are arguably defendants in this lawsuit, this Court agrees with Defendants that questioning of County employees by Justice Department lawyers, if any, should be governed by Rule 30 and the other discovery rules.

Consequently, the Justice Department must notice the depositions of individuals or classifications of individuals that it wishes its lawyers to speak with during the inspection period. Depositions may be taken on two days notice before, during, or up to 14 days after the inspection concludes. To eliminate any security concerns stemming from employees being pulled from their posts for depositions, Defendants shall make every effort to have the individuals who are scheduled for deposition available and not working on the date and time their deposition is noticed. Defendants shall also have appropriate accommodations and a stenographer available at the ECHC on March 22 and 23, 2010, at 9:00 a.m., unless no depositions are noticed during that time.

B. Inmates

Defendants also argue that the Justice Department's interviews of inmates should comply with the federal rules and be accomplished by deposition. But the same concern

that holds true for County employees does not hold true for inmates: they are not County employees nor are they represented by the County Attorney's office. Rather, inmates are non-party witnesses, and as such, although the Justice Department could depose them under Rule 30, there is no requirement that it do so. An inmate, like any other non-party witness or potential witness, can be informally interviewed (if willing) by either party. Moreover, requiring that inmates be deposed (or interviewed) in the presence of County attorneys or employees would likely chill their willingness to speak to investigators or to speak candidly. This, of course, defeats the whole purpose of speaking to inmates in the first place.

Defendants further argue that permitting interviews of inmates presents a security concern and will deny the inmates access to their attorneys. But inmates are not entitled to counsel in this context nor are they required to speak to the Justice Department if they would prefer to have their attorneys present. Moreover, to alleviate any security concerns, Defendants are hereby ordered to make appropriate security arrangements for Justice Department personnel to tour, examine, and inspect the ECHC, as well as to interview inmates in an appropriate room with reasonable accommodations where the participants can be seen, but not heard, and without County lawyers or employees present. If additional staff and security are required on March 22 and 23 to accommodate the inspection and interview process, Defendants are ordered to provide it.

C. Rule 16 Conference

Defendants request a Rule 16 conference to discuss logistical issues related to the inspection of the ECHC, such as the extent of the document production, the mechanics of the facility inspection, the sharing of information gathered during the inspection, the

number of people allowed into the facility during the inspection, and reasonable measures relating to inmate security and safety. The Justice Department does not oppose this request.

Given the expedited time frame, this Court strongly encourages counsel to work together to resolve any further logistical concerns without the need for a Rule 16 conference. Efforts are better spent preparing for the upcoming inspection than preparing for a conference with the Court. Counsel are therefore directed to work in good faith to reach agreement on any remaining issues. If disagreements persist, however, the parties may appear before the Honorable Jeremiah J. McCarthy, United States Magistrate Judge, on March 19, 2010, at 1:00 p.m. for a Rule 16 conference. Judge McCarthy will also be available by telephone on March 22 and 23 should any issues arise during the site inspection that require judicial intervention.

IV. CONCLUSION

For the foregoing reasons, the parties' Motions to Expedite are granted, the Justice Department's Motion to Compel is granted in part and denied in part, and Defendants' Motion for a Protective Order is granted in part and denied in part. Defendants are ordered to have the EHC available for the Justice Department's inspection beginning at 9:00 a.m. on March 22, 2010.

V. ORDERS

IT HEREBY IS ORDERED, that the parties' Motions to Expedite (Docket Nos. 45, 49) are GRANTED.

FURTHER, that the Justice Department's Motion to Compel (Docket No. 43) is

GRANTED in part and DENIED in part, consistent with the foregoing decision.

FURTHER, that the Defendants' Motion for Protective Order (Docket No. 46) is GRANTED in part and DENIED in part, consistent with the foregoing decision.

SO ORDERED.

Dated: March 17, 2010
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
Chief Judge
United States District Court

CERTIFICATE OF SERVICE

I hereby certify that on April 8, 2010, I electronically filed the foregoing RESPONSE OF THE UNITED STATES TO PETITIONERS' MOTION TO EXPEDITE REVIEW OF PETITION FOR WRIT OF MANDAMUS with the Clerk of the Court for the United States Court of Appeals for the Second Circuit by using the appellate CM/ECF system.

Counsel for the Petitioners is a registered CM/ECF user, and service will be accomplished by the appellate CM/ECF system.

/s/ Dirk C. Phillips

DIRK C. PHILLIPS

Attorney