

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VALERIE PLAME WILSON; SIMON
& SCHUSTER, INC.,

Plaintiffs,

v.

J. MICHAEL McCONNELL, in his
official capacity as Director of
National Intelligence Agency;
CENTRAL INTELLIGENCE AGENCY;
GEN. MICHAEL V. HAYDEN, in his
official capacity as Director of
Central Intelligence Agency,

Defendants.
-----x

BARBARA S. JONES
UNITED STATES DISTRICT JUDGE

Having reviewed the parties' proposed stipulation and protective order (the "Stipulation"), as well as the parties' letters dated July 2, 2007, the Court declines to So Order the Stipulation, and makes the following observations and comments.

First, whether certain material is "classified" is at the heart of this litigation. Thus, the Government's characterization of certain information as classified does not constitute, and will not be deemed, a concession by Plaintiffs of any such characterization. No protective order is necessary to preserve Plaintiffs' rights in that

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Order

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COUNSEL FOR PLTFF(S):

COUNSEL FOR DFT(S):

PLTFF PRO SE:

DFT PRO SE:

DATE: 7/3/07

BY: DC

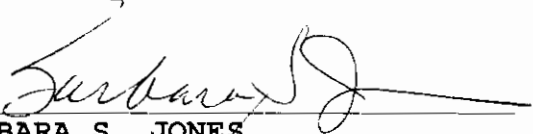
regard, or in any other regard specified in the Stipulation.

Second, the Stipulation is inherently inconsistent with respect to whether Plaintiffs deem the manuscript, or any portions thereof, proprietary and commercial information. (Compare Stipulation ¶ 2 with ¶ 4.)

Finally, to the extent that the parties have reached agreement concerning other matters contained in the Stipulation, including with respect to quoting from the manuscript (see Stipulation ¶ 2) and the designation of confidential information (see Stipulation ¶ 3), no separate Court order is necessary. If, after conferring in good faith, the parties are unable to resolve any differences concerning the submissions in this case, the parties may apply to the Court for assistance.¹

SO ORDERED:

Dated: New York, New York
July 3, 2007



BARBARA S. JONES
UNITED STATES DISTRICT JUDGE

¹ By separate orders, the Court has sealed the documents submitted by the Government on June 28, 2007, and by Plaintiffs on June 29, 2007.