

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA COMMISSIONER OF HEALTH

In the Matter of Sunrise Food Market
WIC Vendor No. W7665

PROTECTIVE ORDER

A request for a Protective Order was filed by the Minnesota Department of Health on May 11, 1998. The proposed Order would limit disclosure of certain documents containing confidential information on the identity of undercover investigator(s) and, in addition, would close the hearing in this proceeding in order to maintain the confidentiality of the identity of undercover investigator(s).

The Department was represented by Assistant Attorney General Bobby J. Champion, Suite 500, 525 Park Street, St. Paul, Minnesota 55103. Respondent was represented by Edward F. Kautzer, Ruvelson & Kautzer, Suite 510, Spruce Tree Centre, 1600 University Avenue West, St. Paul, Minnesota 55104-3829. Based upon all the files and proceedings herein, it is appropriate to allow limited disclosure of the identity of undercover investigator(s), subject to a Protective Order. This Order is issued pursuant to Minn. Stat. §§ 13.39, 13.03, subd. 6, and 13.08, subd. 4 (1996); and Minn. R. Civ. P. 26.03. Therefore, the Administrative Law Judge hereby enters the following:

ORDER

1. Disclosure of the identity of the undercover investigator(s) is necessary, but is limited to counsel of record, employees assisting counsel in preparation of the case, and representatives of the parties to whom the identity of the undercover investigator(s) must be disclosed in order to adequately prepare for hearing or to try this matter;

2. Respondent and all other representatives of the Respondent are prohibited from disclosing the identity of the undercover investigator(s), any information from which the identity of the undercover investigator(s) could be ascertained, and any documents containing any identifying information with respect to the undercover investigator(s) to anyone other than those persons mentioned herein;

3. The data released pursuant to this Protective Order may only be used in conjunction with this hearing, and may not be used for any other purpose, including collateral litigation;

4. Respondent must return to the Department at the close of the hearing all copies of all documents released pursuant to this Protective Order which contain any identifying information regarding any undercover investigator(s);

5. The hearing in this matter will be closed, and the hearing record will be sealed to the extent needed to permit free discussion of not public data;

6. The transcript of this proceeding is also subject to the terms of this Order.

Dated this 12th day of June, 1998

JON L. LUNDE
Administrative Law Judge