

**JANICE F. WILLIS v. U.S. General Accounting Office and U.S. General  
Accounting Office Personnel Appeals Board**

**Docket No. 98-02**

**Date of Decision: February 23, 1999**

**Cite as: Willis v. GAO and GAOPAB, Docket No. 98-02 (2/23/99)**

**Before: Paul G. Streb, Chief Administrative Law Judge, Merit Systems Protection Board  
(sitting in place of the Personnel Appeals Board)**

**Headnotes:**

**Discovery**

**Good Cause**

**Motions Practice**

**Protective Order**

**ORDER**

BEFORE CHIEF ADMINISTRATIVE LAW JUDGE PAUL G. STREB  
U.S. MERIT SYSTEMS PROTECTION BOARD  
SITTING IN PLACE OF THE U.S. GENERAL ACCOUNTING OFFICE  
PERSONNEL APPEALS BOARD

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)  
JANICE F. WILLIS,  
)  
Petitioner,  
)  
)  
v. )  
)  
U.S. GENERAL ACCOUNTING OFFICE, )  
and )  
U.S. GENERAL ACCOUNTING OFFICE )  
PERSONNEL APPEALS BOARD, )  
Respondents. )  
\_\_\_\_\_)

PAB DOCKET NUMBER  
98-02

DATE: February 23, 1999

ORDER

Motion to Extend Discovery Period

On February 17, 1999, the Petitioner filed a motion to extend the discovery period in the case named above through March 23, 1999, 1 month after the scheduled closing date. She indicated in her motion that she needed an extension because she wished to depose Beth L. Don and Jessie James, Jr., and because the depositions of those witnesses could not be scheduled before March 4 and March 8. See Motion at 1-2. The two Respondents have filed responses indicating that they oppose a general extension of the discovery period, but that they do not oppose an extension through March 8 for the limited purpose of allowing the Petitioner to take the depositions mentioned in her motion.

For the reasons stated in the motion, I find good cause for extending the discovery period for the purpose of taking the depositions of Ms. Don and Mr. James. The Petitioner has not explained, however, why an extension is needed for any other

purpose. Accordingly, I find that she has not shown good cause for extending the discovery period for purposes other than the depositions mentioned above. Accordingly, the motion is GRANTED IN PART and DENIED IN PART. The discovery period will end on February 23, 1999, as previously scheduled, except for the taking of the depositions of Ms. Don and Mr. James on March 4 and March 8.

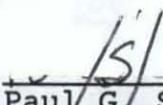
Motion for Protective Order

Respondent Personnel Appeals Board (PAB) filed a motion for a protective order on January 28, 1999. In that motion, the PAB indicated that it planned to provide the Petitioner, at her request, with certain investigative case files. It asked that the Petitioner be ordered not to disclose the contents of the files to anyone not a party to the case, that her use of the files be restricted to the purpose of preparing her own case for hearing, and that the documents and all copies made of them be returned to the PAB's counsel at the conclusion of the proceedings. Neither the Petitioner nor Respondent GAO has responded to this motion.

I find that the PAB has shown good cause for issuance of a protective order, and I therefore GRANT that party's motion. The Petitioner must keep the investigative case files mentioned above confidential, and she may use those files only for the purpose of representing herself in the case named above. The right of access to all confidential materials subject to this order shall be limited to the parties, counsel for the parties, paralegals and expert witnesses in their employ, and any other persons mutually authorized by all parties to examine such materials. Any person having access to confidential information subject to this order shall be provided with a copy of this order. Except as provided in this order, no person having access to confidential information subject to this order shall make public disclosure of those materials.

All documents and copies made of those documents that contain confidential information subject to this order shall be returned to the PAB's counsel within sixty (60) days of the conclusion of all hearing and appellate proceedings. Nothing contained in this order shall be construed as precluding the right to object to the introduction of the files produced subject to this order, or their contents, into evidence. In the event any confidential material subject to this order is used in any proceedings herein, it shall not lose its protected status through such use, and the parties must take all steps reasonably required to protect its confidentiality, including filing under seal.

The PAB shall produce the documents subject to this order not later than March 2, 1999.

  
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Paul G. Streb  
Chief Administrative Law Judge  
Merit Systems Protection Board

Washington, D.C.