

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA	)	
	)	No. 08 CR 846
	)	
v.	)	
	)	Judge Lefkow
JON BURGE	)	

**UNITED STATES' MOTION TO MODIFY  
PROTECTIVE ORDER ENTERED ON JANUARY 5, 2009**

The United States of America, by Patrick J. Fitzgerald, United States Attorney, for the Northern District of Illinois, moves this court to modify the protective order entered on January 5, 2009. The basis for the motion is set forth below.

1. On January 5, 2009, this court entered a protective order, restricting the disclosure of materials produced by the government in discovery in this case.

2. The terms of that order prohibited defendant Burge from using protected material "in connection with any other proceeding (specifically including but not limited to any civil case against defendant)."

3. Burge is a defendant in *Cannon v. Burge*, No. 05 C 2192 (N.D. Ill.).

4. Burge's attorneys in that civil case have served a subpoena on the United States Attorney's Office seeking production of the "discovery produced by the United States Attorney's Office in the case of *United States v. Burge*."

5. In the interest of expediency and economy, the United States seeks modification of the protective order in the instant case to permit use of the materials produced by the United States during the course of discovery in the criminal case. Specifically, the government seeks to allow Jon

Burge to use the materials produced by the government during the criminal proceeding in the pending civil matter of *Cannon v. Burge*, 05 C 2192 (N.D. Ill.).

6. The disclosure permitted by the modification on this protective order will be made only pursuant to a separate protective order entered by Judge St. Eve on August 31, 2010. *See* Exhibit A, attached.

WHEREFORE, the United States requests this court to modify the protective order to permit the disclosure of the protected material pursuant to the terms of the protective order entered by Judge St. Eve in *Cannon v. Burge*, No. 05 C 2192 (N.D. Ill.).

Respectfully submitted,

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