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March 31, 2005

BY HAND

The Honorable I. Leo Glasser
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11205

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ APR 1 2005 ★

P.M. _____
TIME A.M. _____

Re: United States v. Computer Associates International, Inc.
Criminal Docket No. 04-837 (ILG)

Re: SEC v. Computer Associates International, Inc.
Civil Docket No. 04-4088 (ILG)

Dear Judge Glasser:

The United States Attorney's Office, the Securities and Exchange Commission, Computer Associates International, Inc. ("CA") and Independent Examiner Lee S. Richards have determined and agreed that it is in their respective interests and consistent with the orders of this Court to encourage a free flow of information to and from the Independent Examiner, without threat that such information will be discoverable. To that end, we are submitting the attached proposed Stipulated and Agreed Protective Order for consideration and entry by the Court.

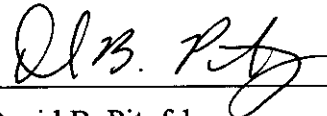
The basis for the proposed order is the quasi-judicial immunity frequently accorded court-appointed examiners for the protection of testimony, documents and other information obtained by examiners through their court-ordered powers. *See Kovalesky v. Carpenter*, No. 95 Civ. 3700, 1997 WL 630144, at *5 (S.D.N.Y. Oct. 9, 1997) (bankruptcy examiner is immune from claims arising out of court-appointed function); *In re Ionosphere Clubs, Inc.*, 156 B.R. 414, 432-36 (S.D.N.Y. 1993) (upholding protective order used to prevent disclosure of documents gathered by bankruptcy examiner); *Vietnam Veterans Foundation v. Erdman*, Civ. A. No. 84-0940, 1987 WL 9033, at *2 (D. D.C. March 19, 1987) (bankruptcy examiner may not testify about his findings and conclusion because such testimony would threaten the integrity of the judicial process); *In the Matter of Baldwin United Corp.*, 46 B.R. 314, 316-17 (S.D. Ohio 1985) (comparing bankruptcy examiner to "civil grand jury" and finding

that examiner “must be unhampered by the threat that any information which comes into the Examiner’s hands will be fair game for a plethora of anxious litigants”). *See also United Food and Commercial Workers International Union v. SIPCO, Inc.*, Civ. No. 90-250-B, 1990 WL 364772, at *2-4 (S.D. Iowa Oct. 16, 1990) (quashing subpoenas seeking information from arbitrator and arbitrator’s assistant on basis of quasi-judicial immunity);

Accordingly, we respectfully request that the Court enter the attached order.

Respectfully submitted,

ROSLYNN R. MAUSKOPF
UNITED STATES ATTORNEY

By: 
David B. Pitofsky
Assistant U.S. Attorney

Enclosure

cc: Robert J. Giuffra, Esq.
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