

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

GERRY W. MONROE, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 79 C 360
	)	
UNITED AIR LINES, INC., et al.,	)	
	)	
Defendants.	)	
	)	
LEE F. HIGMAN, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 79 C 1572
	)	(CONSOLIDATED)
UNITED AIR LINES, INC., et al.,	)	
	)	
Defendants.	)	

ORDER

Plaintiffs are hereby granted leave to serve a subpoena duces tecum upon Richard L. Masters, M.D., and to conduct the deposition of Dr. Masters pursuant thereto, subject to the following conditions and restrictions relating to the work and deliberations of the committee of the National Academy of Sciences (the "Committee") that is now conducting a study of the desirability of mandatory age retirement for airline pilots pursuant to a contract with the National Institutes of Health in implementation of P.L. 96-171:

1. Except to the extent provided in Paragraph 2, plaintiffs shall not obtain documents from Dr. Masters or

make inquiry of Dr. Masters concerning:

- (a) correspondence, notes, work papers, drafts, memoranda, minutes or any Committee documents not publicly available that reflect or contain the individual views or opinions of members of the Committee other than Dr. Masters or that reflect the deliberations of the Committee as a whole;
- (b) views or opinions of individual Committee members other than Dr. Masters, expressed in closed Committee sessions or in communications between its individual members or between such individual members and the Committee or its staff personnel;
- (c) communications from the Committee or its staff personnel to Committee members that are not disclosed to non-Committee members;
- (d) unpublished documents submitted to the Committee by any person other than Dr. Masters under assurances of confidentiality against disclosure; and
- (e) the "bias" statement submitted by Dr. Masters to the Committee.

To the extent if any that any of the foregoing documents except for the "bias" statement reflects or contains the individual views or opinions of Dr. Masters and can be effectively redacted to permit disclosure only of those views or opinions, plaintiffs shall be entitled to production thereof.

2. Paragraph 1 of this Order shall not preclude plaintiffs from obtaining documents from Dr. Masters or making relevant inquiry of Dr. Masters concerning:

- (a) the extent if any to which Dr. Masters has discussed with or disclosed to persons other than the Committee, its individual members or its staff personnel any of the documents or expressions of views or opinions referred to in Paragraph 1 (but without inquiry as to the substance of such discussions or disclosures);
- (b) the substance of any such discussions with or disclosures to any of the defendants in this litigation (including any of their agents or representatives); and
- (c) any published materials that have been provided to the Committee or its individual members in the course of the Committee's work.

If pursuant to inquiry under Paragraph 2(a) it appears that Dr. Masters has discussed or disclosed any such matters only with or to any persons other than those referred to in Paragraph 2(b), plaintiffs shall not make further inquiry regarding such matters without seeking further leave of this Court.

ENTER:



Milton I. Shadur  
United States District Judge

Date: November 26, 1980

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