

ATTACHMENT A

CBCA <docket number>

<name of appellant>,

Appellant,

v.

<name of respondent>,

Respondent.

<counsel name> of <firm>, <city>, <state>, counsel for Appellant.

**<counsel name>, <office>, <agency>, <city>, <state>, counsel for Respondent. Before
Board Judge <name of judge>.**

**Application for Access to Information Under Protective Order
by an individual involved in reviewing and assisting counsel in this appeal,
a witness, an independent consultant, or an expert**

1. I, the undersigned, am (an individual involved in reviewing and assisting counsel in this appeal, a fact witness, an independent consultant, or an expert witness) with **<name of company/firm>** and hereby apply for access to protected material covered by the protective order that the Board issued on **<date>**, in connection with this proceeding, CBCA **<docket number>**.

2. I will, under the direction and control of **<counsel of record>**, assist in preparation and/or representation of this proceeding.

3. I hereby certify that I am not involved in competitive decision making as discussed in *U.S. Steel Corp. v. United States*, 730 F. 2d 1465 (Fed. Cir. 1984), for or on behalf of any party to this proceeding or any other firm that might gain a competitive advantage from access to the information disclosed under the protective order. Neither I nor my employer provides advice or participates in any decisions of such parties in matters involving similar or corresponding information about a competitor. This means, for example, that neither I nor my employer provides advice concerning, or participates in decisions about, marketing or advertising strategies, product research and development, product design or competitive structuring and composition of bids, offers, or proposals with respect to which the use of protected materials could provide a competitive advantage.

4. My professional relationship with the party I am representing or for whom I have been retained in this proceeding and its personnel is strictly as **<an individual involved in reviewing and assisting counsel in this appeal, a fact witness, an independent consultant, or an expert witness>** on issues relevant to the proceeding. Neither I, nor any member of my immediate family holds office or a management position in any company that is a party in this proceeding or in any competitor or potential competitor of a party.

5. **(For consultants and experts)** I have attached the following information:

- a. A current resume describing my education and employment experience to date;
- b. A list of all clients for whom I have performed work within the two years prior to the date of this application and a brief description of the work performed;
- c. A list of all clients for whom I have performed work within the two years prior to the date of this application and for whom the use of protected material could provide a competitive advantage and a brief description of the work performed;
- d. A statement of the services I am expected to perform in connection with the proceeding;
- e. A description of the financial interests that I, my spouse, and/or my family have/has in any entity that is an interested party in this appeal or whose protected material will be reviewed; if none, I have so stated;
- f. A list identifying by name, including forum, case number, date, and circumstances, all instances in which I have been granted admission or been denied admission to a protective order, had a protective order admission revoked, or have been found to have violated a protective order issued by an administrative or judicial tribunal; if none, I have so stated; and
- g. A list of the professional associations to which I belong, including my identification numbers.

6. I have read a copy of the protective order issued by the Board in this proceeding. I will comply in all respects with all terms and conditions of that order in

handling any protected material produced in connection with the proceeding. I will not disclose any protected material to any individual who has not been admitted under the protective order by the Board.

7. For a period of two years after the date this application, I will not engage or assist in the preparation of a proposal to be submitted to any agency of the United States government when I know or have reason to know that <Appellant>, or any successor entity, will be a competitor, subcontractor, or teaming member.

8. I understand that pursuant to the terms of the protective order this application will be deemed granted, and its terms binding upon me, unless the application is objected to within three (3) business days.

9. I acknowledge that a violation of the terms of the protective order may result in the imposition of such sanctions as may be deemed appropriate by the Board and in possible civil and criminal liability.

By my signature, I certify that, to the best of my knowledge, the representations set forth above (including attached statements) are true and correct.

Signature of Applicant

Date Executed

Name and Title

Telephone Number

Email Address

Signature of Counsel of Record

Date Executed

Name and Title

Telephone Number

Email Address