

## HR 5419

Sunshine in Litigation Act of 2010

**Congress:** 111 (2009–2011, Ended)

**Chamber:** House

**Policy Area:** Law

**Introduced:** May 26, 2010

**Current Status:** Referred to the Subcommittee on Courts and Competition Policy.

**Latest Action:** Referred to the Subcommittee on Courts and Competition Policy. (Jul 26, 2010)

**Official Text:** <https://www.congress.gov/bill/111th-congress/house-bill/5419>

### Sponsor

**Name:** Rep. Nadler, Jerrold [D-NY-8]

**Party:** Democratic • **State:** NY • **Chamber:** House

### Cosponsors

*No cosponsors are listed for this bill.*

### Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Referred to	Jul 26, 2010

### Subjects & Policy Tags

**Policy Area:**

Law

### Related Bills

Bill	Relationship	Last Action
111 HR 1508	Related bill	<b>May 29, 2010:</b> Referred to the Subcommittee on Courts and Competition Policy.
111 S 537	Related bill	<b>Mar 5, 2009:</b> Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S2835)

Sunshine in Litigation Act of 2010 - Amends the federal judicial code to prohibit a court, in any civil action in which the pleadings state facts relevant to the protection of public health or safety, from entering an order restricting the disclosure of information obtained through discovery, approving a settlement agreement that would restrict such disclosure, or restricting access to court records, unless in connection with such order the court has first made independent findings of fact that: (1) the order would not restrict the disclosure of information relevant to the protection of public health or safety; or (2) the public interest in the disclosure of potential health or safety hazards is outweighed by a specific and substantial interest in maintaining the confidentiality of the information, and the requested order is no broader than necessary to protect the confidentiality interest asserted. Prohibits any party from requesting, as a condition for the production of discovery, that another party stipulate to an order that would violate this Act.

Prohibits a court, again in any such civil action, from: (1) approving or enforcing any provision of an agreement between or among parties to the civil action, or an order entered under this Act, that restricts a party from disclosing information to any federal or state agency with authority to enforce laws regulating an activity relating to such information; or (2) enforcing any provision of a settlement agreement between or among parties to such civil action that prohibits a party from disclosing that a settlement was reached or the terms of the settlement involve matters relevant to the protection of public health or safety, other than the amount paid, or from discussing the civil action, or evidence produced in it, that involves matters related to public health or safety. Excepts from this enforcement prohibition (thus allowing enforcement of) a settlement agreement provision about which the court finds that the public interest in the disclosure of potential health or safety hazards is outweighed by a specific and substantial interest in maintaining the confidentiality of the information or records in question, and the requested protective order is no broader than necessary to protect the confidentiality interest asserted.

Creates a rebuttable presumption that the interest in protecting personally identifiable information relating to an individual's financial, health, or other similar information outweighs the public interest in disclosure.

Declares that nothing in this Act shall be construed to permit, require, or authorize the disclosure of classified information, as defined under the Classified Information Procedures Act.

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## **Actions Timeline**

- **Jul 26, 2010:** Referred to the Subcommittee on Courts and Competition Policy.
- **May 26, 2010:** Introduced in House
- **May 26, 2010:** Referred to the House Committee on the Judiciary.