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 16 **UNITED STATES DISTRICT COURT**
 17 **NORTHERN DISTRICT OF CALIFORNIA**
 18 **SAN FRANCISCO DIVISION**

19
 20 JOHNNY WANG, an individual, on his own behalf
 21 and on behalf of others similarly situated,
 Plaintiffs,
 22 vs.
 23 ASSET ACCEPTANCE, LLC, and
 24 TRANS UNION, LLC, Delaware limited liability
 companies, and DOES 1-100, inclusive,
 25 Defendants.

) CASE NO. 3:09-cv-04797-SI
)
) **STIPULATION AND**
) **[PROPOSED] ORDER**
) **PURSUANT TO COURT’S**
) **DIRECTIVE TO DISCLOSE**
) **CREDIT INFORMATION OF**
) **PLAINTIFF AND OTHER**
) **CONSUMERS WHO MAY FALL**
) **WITHIN A POTENTIAL**
) **SETTLEMENT CLASS**
) **PROPOSED BY PLAINTIFF**

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 27 WHEREAS Plaintiff Johnny Wang (“Plaintiff”) alleges claims under the Fair Credit
 28 Reporting Act (the “FCRA”) against Defendants Asset Acceptance, LLC (“Asset”) and Trans
 STIPULATION AND [PROPOSED] ORDER TO DISCLOSE CREDIT INFORMATION – 3:09-CV-04797-SI

1 Union, LLC (“Trans Union”) (all parties, collectively, the “Parties”) and Plaintiff alleges claims
2 under the Fair Debt Collection Practices Act (the “FDCPA”) against Asset on behalf of himself
3 and others similarly situated;

4 WHEREAS the parties engaged in settlement discussions facilitated by Magistrate Judge
5 Chen on March 24, 2011 and April 28, 2011, including discussions regarding possible
6 settlement of the claims asserted;

7 WHEREAS during the Continued Settlement Conference on April 28, 2011, Magistrate
8 Judge Chen directed Trans Union to disclose to Asset certain credit information in the
9 possession of Trans Union related to Plaintiff and other consumers who may fall within a
10 possible settlement class proposed by Plaintiff;

11 WHEREAS Plaintiff will ultimately need to be able to review such credit information in
12 order, e.g., to confirm that the class certified for any such settlement is properly defined, and
13 further that any release in such settlement is properly limited;

14 WHEREAS the Court is authorized under 15 U.S.C. § 1681b(a)(1) to grant leave to
15 Trans Union to produce the subject credit information to Asset and Plaintiff confidentially for
16 purposes of settlement discussions;

17 WHEREAS the credit information sought to be disclosed is necessary to complete
18 analysis of the Parties’ positions as expressed during the ongoing settlement discussions;

19 WHEREAS the Parties’ request is narrowly tailored to protect to the greatest extent
20 possible the privacy interests of Plaintiff and other consumers who may fall within a possible
21 settlement class proposed by Plaintiff;

22 WHEREAS pursuant to the Protective Order entered in this action (see Doc. No. 45), the
23 credit information shall be designated as “Highly Confidential – Attorneys’ Eyes Only” (see
24 Protective Order, Paragraph 2.4) (except that information also may be disclosed to such internal
25 personnel of Asset as is necessary for analysis to be performed, so long as they are working at
26 the direction and under the supervision of counsel) and all copies of said information destroyed
27 or returned to Trans Union within 60 days of termination of this action (see Protective Order,
28 Paragraph 11); and

1 WHEREAS production of the credit information under these conditions ensures a proper
2 balance between protecting the privacy interests of Plaintiff and other consumers who may fall
3 within a possible settlement class proposed by Plaintiff and making available information
4 necessary to a possible resolution of the proposed class claims against Asset and Trans Union in
5 this action, and to the potential allocation of responsibility as between Asset and Trans Union
6 with respect to Plaintiff’s FCRA claims;

7 WHEREAS, neither this stipulation nor the production of credit information by Trans
8 Union shall be deemed an admission or concession that such information is discoverable or
9 relevant to any issue in the action, or that any element of class certification can be established;

10 THEREFORE, IT IS HEREBY STIPULATED between the Parties, through their
11 counsel of record, that the Court order Trans Union to disclose to Asset and to Plaintiff such
12 credit information as may be necessary to complete and to diligently review the analysis
13 described herein, and on the terms and conditions described herein.

1 SO STIPULATED by:

2 Date: May 11, 2011

s/ Karen Butler Reisinger
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12 *Lead Counsel for Defendant Trans Union,
LLC*

13 Date: May 11, 2011

s/ Ethan Preston (with consent)
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20 *Counsel for Plaintiff Johnny Wang, et al.*

21 Date: May 11, 2011

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28 *Lead Counsel for Defendant Asset
Acceptance, LLC*

[PROPOSED] ORDER

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PURSUANT TO STIPULATION,
IT IS SO ORDERED.

Dated: 5/12/11



Hon. Susan Illston, Judge
U.S. District Court
Northern District of California