

# **EXHIBIT D**

## Dalton, Amy

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**From:** Avalos, Julio  
**Sent:** Wednesday, October 27, 2010 10:32 PM  
**To:** 'Brian Hancock'  
**Cc:** Gray, Thomas  
**Subject:** RE: Miller v. Facebook, Inc. & Yeo/Past Due Discovery Responses

Brian,

We may be able to work with you on Numbers 1 through 3, below. However, a meet and confer may be required on Numbers 4 and 5. Both of these provisions are taken virtually verbatim from the Northern District of California's standard protective order for cases in which there is highly sensitive material at issue. See:

<http://www.cand.uscourts.gov/cand/form.nsf/7813fd3053452aef88256d4a0058fb31/5e428ee77bf8e03b88256dd3005d9450?OpenDocument>

As such, they are incredibly common in this District.

I direct you to section 7.4(a)(2) of the "ND Cal Model Prot Ord Patent Highly Sensitive 6-9-2010" document, from which our 7.4 is taken. Similarly, our Section 8(c) is taken from Section 9 of that same standard order.

After reviewing the Northern District's model language, please let me know if you still find ours objectionable.

Sincerely,

Julio

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**From:** Brian Hancock [mailto:bdhancock@hgdlawfirm.com]  
**Sent:** Friday, October 22, 2010 11:58 AM  
**To:** Avalos, Julio  
**Cc:** Gray, Thomas; Metanat, Morvarid; Dalton, Amy; Kim, Elizabeth  
**Subject:** RE: Miller v. Facebook, Inc. & Yeo/Past Due Discovery Responses

Dear Counsel,

I've reviewed Facebook's proposed revisions to the Court's Standard Form Protective Order, and I have the following comments:

- 1) Under Paragraph 3 entitled "Scope", I do not understand why the language "However, the protections conferred...to the Designating Party" has been deleted. Please provide your reasoning for this. In the absence of any reasonable justification for this deletion, the Plaintiff would ask that the deleted language be re-inserted as provided for in the Court's Form Order.
- 2) Under Paragraph 4 entitled "Duration", the Plaintiff is not in agreement with Facebook that a dismissal without prejudice should not be deemed a "final disposition" within the meaning of the order. The Plaintiff would ask that the Form Order be restored in this regard and that the confidentiality provisions should remain in effect after a dismissal without prejudice until a Designating Party agrees otherwise in writing or a court otherwise directs as provided for in the Court's Form Order.
- 3) Under Paragraph 5 entitled "Designating Protected Material", the Plaintiff does not agree with Facebook's deletion of "must take" in the Form Order's language in Section 5.1 in lines 8-9 and replacing it with "will take" nor does the Plaintiff agree with Facebook's deletion of the language that reads "Mass, indiscriminate...the