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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIATINA M. UBALDI, et al.,
Plaintiffs,
v.
SLM CORPORATION, et al.,
Defendants.

Case No. 11-cv-01320-EDL

**ORDER RE THE PARTIES' JOINT
MOTION FOR A PROTECTIVE
ORDER**

Re: Dkt. No. 272

On October 13, 2015, the Parties filed a joint motion for a protective order concerning Defendants' production of documents to a third-party vendor so that potential class members can be identified. At a case management conference on October 20, 2015, the Court ordered the Parties to meet and confer on their dispute concerning liability in the event of a data breach. On November 10, 2015, the Parties filed a joint update indicating that they have been unable to reach an agreement. Although the Court recognizes Defendants' concerns regarding potential data breaches and the limitation on the amount of the proposed third-party vendor's insurance coverage for any such breaches, it declines to adopt Defendants' unusual proposal of making Plaintiffs' counsel jointly and severally liable with the third-party vendor in the event of a breach, for which Defendants cite no authority. The alternative of requiring a fully manual review in a "clean room" of approximately 170,000 documents risks being unduly burdensome if the vendor is in fact able to extract the data through electronic processes. The Court orders the Parties to meet and confer regarding the possibility of the vendor conducting the review in some form of "clean room" and/or other safeguards to protect the data. The Parties should agree on a protocol that provides reasonable safeguards for the data so that it may be produced without the necessity of a fully manual review in the first instance, which the Court will then order the Defendants to permit and

United States District Court
Northern District of California

1 the Plaintiffs to follow. The Parties shall file a joint update as to their meet and confer efforts by
2 December 3, 2015.

3 **IT IS SO ORDERED.**

4 Dated: November 17, 2015

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7 ELIZABETH D. LAPORTE
8 United States Magistrate Judge
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