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Hanson v. Pro Solutions

WHEREAS Plaintiff Gena Hanson, individually and on behalf of others similarly situated, as a part of the discovery process and in preparation for mediation, has requested that Defendant, JQD, LLC, d/b/a/ Pro Solutions, (collectively, the "Parties") produce its database of collection information for all putative class members (hereafter the "Database");

WHEREAS Defendant believes that the outstanding discovery requests are overbroad and call for the production of confidential private information;

WHEREAS Plaintiff believes that the existing protective order, signed by the Court on September 22, 2014, is sufficient to protect any privacy rights of the putative class members that may be put at issue;

WHEREAS Defendant believes that the existing protective order signed by the Court on September 22, 2014, is insufficient to protect the privacy rights of class members that may be put at issue and it may be prohibited from producing the information plaintiff seeks without a court order;

WHEREAS Defendant is concerned about its limited insurance coverage and the fact that the amount of coverage is reduced by the cost of the defense, and, therefore, desires to attempt to settle this matter, and has proposed that the parties participate in a mediation,

WHEREAS Plaintiff has stated it cannot participate in a mediation without the information it sought through discovery

NOW, THEREFORE, the Parties hereby STIPULATE that the Court enter a supplemental protective order directing Defendant to provide the Database to Plaintiff, and order that (1) Plaintiff shall treat the Database as "Attorney's Eyes Only" information; (2) Plaintiff shall not contact any putative class members prior to class certification or without the express permission of Defendant or

1	the Court (this does not preclude Plaintiff from discussing the case with any putative class members	
2	who affirmatively contact Plaintiff); (3) production of the information requested does not constitute a	
3	wavier of any privilege which would otherwise apply; (4) Plaintiff shall not contact any Homeowner's	
4	Association identified in the Database without the express permission of Defendant or the Court; and,	
5	(5) within 30 days of the conclusion of the case Plaintiff will return to Pro Solutions' counsel all copies	
6	of the database and destroy all copies of documents obtained from it.	
7		
8	Respectfully submitted, Dated: March 3, 2015	COTCHETT, PITRE & McCARTHY, LLP
		By: /s/ Justin T. Berger
10		NIALL P. McCARTHY
11		ANNE MARIE MURPHY JUSTIN T. BERGER
12		SHAUNA R. MADISON
13		HOUSING AND ECONOMIC RIGHTS ADVOCATES
14		NOAH ZINNER
15		GINA DI GIUSTO
16		Attorneys for Plaintiff and the Proposed Class
17		
18	Datadi Marah 2 2015	I EWIC DDICDOIC DICCA ADD & CMITH I I D
19	Dated: March 3, 2015	LEWIS BRISBOIS BISGAARD & SMITH LLP
20		By: <u>/s/ Stephen H. Turner</u> STEPHEN H. TURNER
21		
22		Attorneys for Defendant JQD, LLC d/b/a PRO SOLUTIONS
23		
24		
25		
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27		

## [PROPOSED] ORDER

Pursuant to the STIPULATION of the Parties, it is hereby ordered that Defendant shall provide the requested Database to Plaintiff, and that (1) Plaintiff shall treat the Database as "Attorney's Eyes Only" information; (2) Plaintiff shall not contact any putative class members prior to class certification or without the express permission of Defendant or the Court (this does not preclude Plaintiff from discussing the case with any putative class members who affirmatively contact Plaintiff); (3) production of the information requested does not constitute a wavier of any privilege which would otherwise apply; (4) Plaintiff shall not contact any Homeowner's Association identified in the Database without the express permission of Defendant or the Court; and, (5) within 30 days of the conclusion of the case Plaintiff will destroy the copy of the database and all copies of documents obtained from it.

IT IS SO ORDERED.

16 DATED: <u>3/4/2015</u>

Honorable Richard Seeborg
Judge for the United States District Court