

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BLAKE J. ROBBINS, et al.,	:	Civil Action
	:	
Plaintiffs	:	No. 10-665
	:	
v.	:	Hon. Thomas J. Rueter
	:	
LOWER MERION SCHOOL DISTRICT, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 14<sup>th</sup> day of May 2010, the Court having conducted a

conference with counsel for the parties on April 21, 2010 at which a general framework was agreed upon for allowing affected students and/or parents to view images captured by the Lower Merion School District through its use of the TheftTrack feature of the LANrev computer management software, the parties and all proposed intervenors having been given an opportunity to be heard with respect to subject matter of this Order, by agreement of the Parties, and good cause appearing,

IT IS ORDERED that:

- To the extent that the Lower Merion School District (the "District") or its agents (including its attorneys and computer forensic consultants) are in possession of webcam photographs and/or screenshots captured from certain laptop computers issued by the District to its high school students ("Student Laptops") resulting from the District's use of the TheftTrack feature of the LANrev computer management software, students who possessed those laptops while TheftTrack was activated ("Affected Students"), and/or the Affected Students' parents or guardians (the "Affected Parents/Guardians"), shall be provided an opportunity to view such images pursuant to the terms of this Order.

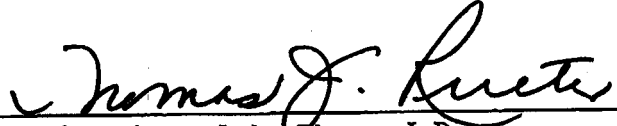
2. For all Affected Students and Affected Parents/Guardians, the District shall provide the Court with the following information in the forms of the notices attached hereto as Exhibits A and B:

- (a) Names;
- (b) Mailing address(es);
- (c) The dates on which tracking of the Affected Student's Student Laptop was activated and deactivated, to the extent known;
- (d) The number of webcam photographs in the District's possession that were captured from the Affected Student's Student Laptop; and
- (e) The number of screenshots in the District's possession that were captured from the Affected Student's Student Laptop.

3. The District's counsel shall cause the notice in the form attached hereto as Exhibit A to be mailed to Affected Students by certified mail, return receipt requested. The District's counsel shall cause the notice in the form attached hereto as Exhibit B to be mailed to Affected Parents/Guardians by certified mail, return receipt requested. The District otherwise shall keep the foregoing information confidential. The District's counsel also shall maintain copies of all Student Response Forms until further order of the Court provides otherwise.

4. The Court reserves jurisdiction over all matters relating to the implementation, enforcement, construction, administration, and interpretation of this Order.

BY THE COURT:

  
 Chief Magistrate Judge Thomas J. Rueter

**EXHIBIT A**

Henry E. Hockeimer, Jr.  
Ballard Spahr LLP  
1735 Market Street, 51<sup>st</sup> Floor  
Philadelphia, PA 19103

[Affected Student Name & Address]

Re: Remote Monitoring of Student Laptop Computers by the Lower Merion School District

Dear [Affected Student]:

This letter is being sent to notify you that a recently completed investigation into the remote monitoring of laptop computers by the Lower Merion School District has revealed that the School District has captured webcam photographs and screenshots from a laptop that the School District issued to you. Specifically, [number] webcam photographs and [number] screenshots that were recovered in the investigation were taken from your laptop from [date] to [date].

You and your parent(s) or guardian(s) may view the recovered images, if you so desire. Under the supervision of United States Chief Magistrate Judge Thomas J. Rueter, we worked with the lawyers for the Robbinses, a group of concerned parents of Lower Merion and Harrison High School students, and the American Civil Liberties Union to develop this process to enable students and their parents to view the recovered images in a private, confidential setting. Only the District's lawyers (from the firm Ballard Spahr LLP) and computer forensic consultants (from the firm L-3 Services, Inc.), and investigators from the federal government have had access to the recovered images. They have not shown them to anyone else.

If you would like to view the recovered images, you may do so at [location to be determined] on [date] from [time] to [time]. A representative of L-3 will be in the room to assist with viewing the images. Judge Rueter will be in a separate room. No one from your school or the District will be there.

We are sending a notice similar to this one to your parent(s)/guardian(s). The District would like to give them an opportunity to view the images as well. But, you will be able to look at the images without your parent(s)/guardian(s) first, and if there are any images that you do not want them to see, you may let Judge Rueter know, and he will discuss with you how to handle that situation. Also, if the images contain private information from people other than you, steps will be taken to protect their interests.

Please fill out the enclosed form and mail it to us in the enclosed envelope within three days of receiving this letter. Please note that it requires the signature(s) of your parent(s)/guardian(s). If you would like to view the images but absolutely cannot make it at the time noted above, please state why on the form and we will contact you with a different time.

You may decide that you do not want to view the images. If that is the case, please indicate your choice on the enclosed form. If your parent(s)/guardian(s) want to view the images and you do not want them to, however, you must go with them at the designated time and Judge Rueter will discuss with you how to handle that situation.

Thank you for your cooperation.

Sincerely,

Henry E. Hockeimer, Jr.

cc: Honorable Thomas J. Rueter,  
United States Chief Magistrate Judge

**STUDENT RESPONSE FORM**

Please check one of the choices below and mail this form in the enclosed envelope within three days.

I will go to [location] at the time designated in the letter with my parent(s)/guardian(s).

I will go to [location] at the time designated in the letter without my parent(s)/guardian(s).

Neither I nor my parent(s)/guardian(s) want to view the images captured from my school-issued laptop.

We want to view the images that were captured from my school-issued laptop but we cannot make it to [location] at the time designated in the letter because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature

[Student Name]

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

[Parent/Guardian Name(s)]

( ) \_\_\_\_\_  
Home Telephone Number

**EXHIBIT B**

Henry E. Hockeimer, Jr.  
Ballard Spahr LLP  
1735 Market Street, 51<sup>st</sup> Floor  
Philadelphia, PA 19103

[Affected Parent(s)/Guardian(s)' Name(s) & Address(es)]

Dear [Affected Parent(s)/Guardian(s)]:

This letter is being sent to notify you that a recently completed investigation into the remote monitoring of laptop computers by the Lower Merion School District has revealed that the School District has captured webcam photographs and screenshots from a laptop that the District issued to your child, [name]. Specifically, [number] webcam photographs and [number] screenshots that were recovered in the investigation were taken from your child's laptop from [date] to [date].

Your child and you may view the recovered webcam photographs and screenshots, if you so desire. Under the supervision of United States Chief Magistrate Judge Thomas J. Rueter, we worked with the lawyers for the Robbinses, a group of concerned parents of Lower Merion and Harriton High School students, and the American Civil Liberties Union to develop this process to enable students and their parents to view the recovered images in a private, confidential setting. Only the District's lawyers (from the firm Ballard Spahr LLP) and computer forensic consultants (from the firm L-3 Services, Inc.), and investigators from the federal government have had access to the recovered images. They have not shown them to anyone else.

We are sending a notice similar to this one to your child. If [he/she] and/or you would like to view the recovered images, you may do so at [location to be determined] on [date] from [time] to [time]. A representative of L-3 will be in the room to assist with viewing the images. Judge Rueter will be in a separate room. No one from your child's school or the District will be there.

**Your child will be able to look at the images without you first. If there are any images that [he/she] does not want you to see, [he/she] may let Judge Rueter know, and he will discuss with you how to handle that situation. Also, if the images contain private information from people other than your child, steps will be taken to protect their interests.**

A response form that requires your signature is included with the notice sent to your child. Thank you for your cooperation.

Sincerely,

Henry E. Hockeimer, Jr.

cc: Honorable Thomas J. Rueter,  
United States Chief Magistrate Judge