

From: Linda McPharlin lmcpharlin@mstpartners.com
Subject: Linh Nguyen v. Lambda, Inc. - Case 01-21-0003-8509 Protective Order
Date: January 21, 2022 at 5:55 PM

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To: AAA Marina Cortes MarinaCortes@adr.org, alex@defendstudents.org, phil@calebandonian.com, kirin@defendstudents.org, jberger@cplmlegal.com, phammon@mcmanslaw.com, contact@lambdaschool.com, aparkhurst@mcmanslaw.com, abastida@mcmanslaw.com

To the parties:

The Arbitrator is in receipt of the parties' submissions regarding the proposed Protective Order. The parties dispute the extent to which materials in this matter can be treated as confidential and which party should bear the burden to oppose or defend the confidential designation. The Arbitrator has also received the parties' joint submission in response to the Arbitrator's request about the sharing of documents with counsel in other cases.

Precedent supports a conclusion that if there is a dispute regarding a document's confidentiality, as stated in the Model Stipulated Protective Order approved by the Northern District of California, "*the burden is on the party asserting that a document is confidential to file a motion with the court seeking to retain the document's confidentiality.*"

The Arbitrator rules that the Protective Order proposed by Claimant, Exhibit A to Claimant's December 21, 2021 letter, be adopted, with the change to paragraph 4 (b) to which the parties have stipulated, to wit:

4. Except with the prior written consent of the other parties, or upon prior order of the Arbitrator obtained upon notice to opposing counsel, Confidential Information shall not be disclosed to any person other than: . . . (b) counsel for the respective parties to (i) *Jonathan Stickrod v. Lambda, Inc.*, AAA Case No. 01-21-0003-8506, and (ii) *Heather Nye v. Lambda Inc.*, AAA Case No. 01-21-0003-8512.

Please forward the executed document to me for Order and signature.

Linda McPharlin, Arbitrator

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