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THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

JUN YU, **Plaintiff,** **v.** **IDAHO STATE UNIVERSITY,** and **JOHN/JANE DOES I through X, whose true identities are presently unknown,** **Defendants.**	**Case No: 4:15-cv-00430-REB** **PLAINTIFF'S MOTION TO COMPEL PRODUCTION OF STUDENT RECORDS PER F.R.C.P. 37(a)(3)(B)(iv)**

Comes now Mr. Jun Yu ("Plaintiff" or "Mr. Jun Yu"), by and through counsel of record Ronaldo A. Coulter of Idaho Employment Law Solutions, and, hereby moves the Court to Compel the Production of Student Records per F.R.C.P.37(a)(3)(B)(iv).

This Motion is supported by Plaintiff's Memorandum In Support of Plaintiff's Motion to Compel Production of Student Records per F.R.C.P. 37(A)(3)(B)(iv)

DATED this 25th day of March, 2016.

Respectfully Submitted,

IDAHO EMPLOYMENT LAW SOLUTIONS

/s/
R.A. (RON) COULTER
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of March, 2016, I caused to be served a true and correct copy of the foregoing Plaintiff's Motion to Compel the Production of Student Records per F.R.C.P. 37(A)(3)(B)(iv) to:

MICHAEL E.KELLY ISB # 4351 380 E. PARKCENTER BLVD., SUITE 200 POST OFFICE BOX 856 BOISE, ID 83701	( ) U.S. Mail ( ) Hand Delivery ( ) Certified Mail, Return Receipt Requested ( ) Overnight Mail ( ) Facsimile: (208) 342 4344 (X) Electronic Mail: (ECF) mek@ktslawoffice.com
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IDAHO EMPLOYMENT LAW SOLUTIONS

/s/
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THE UNITED STATES DISTRICT COURT

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JUN YU, **Plaintiff,** **v.** **IDAHO STATE UNIVERSITY,** and **JOHN/JANE DOES I through X, whose true identities are presently unknown,** **Defendants.**	**Case No: 4:15-cv-00430-REB** **PLAINTIFF'S MEMORANDUM IN SUPPORT OF PLAINTIFF'S MOTION TO COMPEL PRODUCTION OF STUDENT RECORDS PER F.R.C.P. 37(a)(3)(B)(iv)**

INTRODUCTION AND PROCEDURAL POSTURE OF THE CASE

Having received this Court's Case Management Order November 6, 2015 (Dkt. 15), on December 29, 2015, Plaintiff, through counsel, drafted and submitted Plaintiff's First Set of Interrogatories, Requests for Production of Documents and Requests for Admissions Propounded to Defendant Idaho State University (ISU) (Plaintiff's Discovery Request). On February 5, 2016, Defendant through counsel provided its answers and responses to Plaintiff's Discovery Request. In Defendant's answer, Defendant denied Plaintiff's request for the production of copies of the

complete student records of all students who were enrolled in Idaho State University and were pursuing a doctorate degree in Clinical Psychology between 2008 and 2015.

ARGUMENT

I. BACKGROUND

a. The Purpose of Pre-Trial Discovery

In this matter, it is appropriate to state the overarching rule of discovery found in Fed. R. Civ. P. 26(b)(1):

> *Scope of Discovery in General.* Unless otherwise limited by court order, the scope of discovery is as follows: Parties may obtain discovery ***regarding any nonprivileged*** matter that is relevant to any party's claim or defense and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, ***the importance of the discovery in resolving the issues,*** and whether the burden or expense of the proposed discovery outweighs its likely benefit. Information within this scope of discovery need not be admissible in evidence to be discoverable. (Emphasis added)

The importance of pre-trial discovery cannot be over emphasized as recognized by the United States Supreme Court:

> The pre-trial deposition-discovery mechanism established by Rules 26 to 37 is one of the most significant innovations of the Federal Rules of Civil Procedure. Under the prior federal practice, the pre-trial functions of notice-giving issue-formulation and fact-revelation were performed primarily and inadequately by the pleadings… The various instruments of discovery now serve (1) as a device, along with the pre-trial hearing under Rule 16, to narrow and clarify the basic issues between the parties, and (2) as a device for ascertaining the facts, or information as to the existence or whereabouts of facts, relative to those issues. Thus civil trials in the federal courts no longer need be carried on in the dark. ***The way is now clear, consistent with recognized privileges, for the parties to obtain the fullest possible knowledge of the issues and facts before trial.***

Hickman v. Taylor, 329 U.S. 495, 501, 67 S. Ct. 385, 388-89, 91 L. Ed. 451 (1947) (Emphasis added).

Therefore, parties in a civil case may obtain discovery regarding any ***non-privileged*** matter that is relevant to any party's claim or defense. *See Oppenheimer Fund v. Sanders*, 437

U.S. 340, 351, 98 S.Ct. 2380, 57 L.Ed.2d 253 (1978) where the term "relevant" is **"**construed broadly to encompass any matter that bears on, or that reasonably could lead to other matter that bears on, any issue that is or may be in the case" and Fed. R. Civ. P. 26 (b)(1). It is important to note that a court can limit the extent of discovery if the burden or expense of discovery outweighs the benefit of discovering the information sought by a party per Fed. R. Civ. P. 26(b)(2)(C). Discovery should not be denied when tailored to the matter at hand, and limited to a party's claims. *S.E.C. v. Berry*, 2011 WL 1296043, *2-3 (N.Dist. Cal. 2011) (compelling party to answer interrogatory that was directly relevant to the action); but see *JJCO, Inc. v. Isuzu Motors American, Inc*., 2009 WL 3569600, *4 (D. Haw 2009) (denying motion to compel answer because plaintiff could not explain how discovery of all correspondence between parties in a four year period of time, was relevant to plaintiff's case); *Brown's Crew Car of Wyoming LLC v. Nevada Transp. Auth*., 2009 WL 1240458, *6-7 (D. Nev. 2009) (determining that in the context of the issues before the court, list of employees and every communication between two parties was beyond scope of discovery for interstate and intrastate commerce claims).

b. Pretrial Discovery in the Digital Age

With the dawn of the digital age, the stand-alone "handwritten" or "type-written" document that formerly were commonplace in business and education are virtually extinct. Now electronic data is the prevalent medium of business and educational communication with electronic mail or e-mail being the most prevalent form of digital communication. Much of the relevant evidentiary documents related to business and education will be found on the businesses or educational institutions computer desktops, servers, smart-phones or on personal computers of parties or key witnesses. The case of *Zubulake v. UBS Warburg LLC*, 217 F.R.D. 309 (S.D.N.Y. 2003) which has been cited over 2,000 times is the seminal case discussing the

electronic discovery of data. The question in *Zubulake* was should the discovery of the Defendant's database, specifically to obtain e-mails, be permitted. Citing the broad description of documents contained in Rule 34, the Court ruled that Plaintiff was entitled to the discovery of the emails so long as they were relevant to Plaintiff's claims. *Id* at 317. Nevertheless, and as previously alluded to herein, discovery request in the digital age must be reasonable. To be considered reasonable, document requests as well as other discovery requests, should be limited to important and relevant issues in the litigation.[1] The discovery requests must be as precise as possible, identifying the time, subject area and people involved.[2]

II. ANALYSIS OF PLAINTIFF'S DISCOVERY REQUEST DENIED BY THE DEFENDANT

On September 16, 2015, Plaintiff filed a complaint and demand for jury trial in this case alleging three Counts against Defendant. For the purposes of this motion, Counts One and Two are relevant. Count One alleges a violation of Title VI of the 1964 Civil Rights Act, 42 U.S.C. §§ 2000d et. seq. and 34 C.F.R. §§ 100.1 and 100.3 which prohibits the exclusion on the basis of race, color, or national origin programs as well as a violation of Idaho Code § 67-5909 (1) in that the Defendant's cultural incompetence and aversive racism/prejudice resulted in the unlawful disparate treatment of Mr. Jun Yu which treatment manifested a deliberate indifference to ISU's

[1] Comment 4.b p.26 Best Practices Recommendations and Principles for Addressing Electronic Document Production, The Sedona Principles, Second Edition, June 2007, the Sedona Conference Working Group Series, https://thesedonaconference.org/publications As of September 30, 2010, 111 judicial officers from state and federal courts in 29 states and the District of Columbia had endorsed the Sedona Conference Cooperation Proclamation; *see* (Exhibit "G")

[2] Comment 3.a p.21 Best Practices Recommendations and Principles for Addressing Electronic Document Production, The Sedona Principles, Second Edition, June 2007, the Sedona Conference Working Group Series, https://thesedonaconference.org/publications

obligation to Mr. Jun Yu under Title VI. Count Two alleges, a violation of Mr. Jun Yu's civil rights pursuant to Title 42 U.S.C. § 1983 through a denial of procedural due process guaranteed by the 14th Amendment of the United States Constitution. It was based on these pleadings that Plaintiff's reasonable requests for discovery were developed. In identifying items to seek in discovery, information and documents sought must appear to be reasonably calculated to lead to the discovery of admissible evidence. To be considered reasonable, discovery of electronically stored information (ESI) as well as other document requests, should be limited to important and relevant information in the litigation.[3] The discovery requests must be as precise as possible, identifying the time, subject area and people involved.[4] Plaintiff's request for discovery requests propounded to the Defendant met all the criteria.[5]

[3] Comment 4.b p.26 Best Practices Recommendations and Principles for Addressing Electronic Document Production, The Sedona Principles, Second Edition, June 2007, the Sedona Conference Working Group Series, https://thesedonaconference.org/publications As of September 30, 2010, 111 judicial officers from state and federal courts in 29 states and the District of Columbia had endorsed the Sedona Conference Cooperation Proclamation. Additionally, upon information and belief the Defendant maintains student records in an electronically stored information format.

[4] Comment 3.a p.21 Best Practices Recommendations and Principles for Addressing Electronic Document Production, The Sedona Principles, Second Edition, June 2007, the Sedona Conference Working Group Series, https://thesedonaconference.org/publications

[5] Plaintiff's original complaint was drafted and filed after an investigation of the facts and circumstances then known to Plaintiff. To the best of Plaintiff's knowledge at that time, all causes of action were alleged that were known to exist. During the course of these proceedings, and through Plaintiff's investigative efforts, Plaintiff has discovered additional facts, which when considered in conjunction with the original allegations in the September 16, 2015 complaint, and when considered in their own light provide added evidence to conclude that all discovery requests, were designed to lead to the discovery of admissible evidence. It is Plaintiff's intent to submit a motion to amend the present complaint in the near future so as not to prejudice the Defendant.

a. The Court Must Issue an Order for the Disclosure of Student Records as Requested by Plaintiff as the Facts of the Case, Case Law and FERPA Support Plaintiff's Request As Plaintiff Meets Its Burden of Production

In Plaintiff's Discovery Request, Plaintiff requested the specific student records be produced as follows:

> **REQUEST FOR PRODUCTION NO. 23:** Please produce copies of the **complete** student records of all students who were enrolled in Idaho State University and were pursuing a doctorate degree in Clinical Psychology between 2008 and 2015.

The Defendant, through counsel denied this request for production as follows:

> **RESPONSE:** This Defendant objects to this Request for Production because and to the extent it calls for information not reasonably calculated to lead to admissible evidence at trial and because it is confidential and proprietary in nature. Further, even if these materials were reasonably calculated to lead to admissible evidence at trial it is doubtful the potential relative or probative value of the material outweighs the Defendant's interest in keeping these materials confidential. Further, materials sought in this Request for Production is protected by federal law, including but not limited to the Family Educational Rights and Privacy Act (FERPA).

The Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. § 1232g(b)(2) is the controlling statute and reads as follows:

> As a general rule the records of students are not open to disclosure unless:
>
> (A) there is written consent from the student's parents specifying records to be released, the reasons for such release, and to whom, and with a copy of the records to be released to the student's parents and the student if desired by the parents, or
>
> (B) except as provided in paragraph (1)(J), such information is furnished ***in compliance with judicial order***, or pursuant to any lawfully issued subpoena, upon condition that parents and the students are notified of all such orders or subpoenas in advance of the compliance therewith by the educational institution or agency… (Emphasis added)

It is important to note that FERPA does not provide a privilege that prevents the disclosure of student records. Court's have recognized that FERPA specifically allows for the disclosure of

student records. [6] However, FERPA does protect the confidentiality of educational records by threatening financial sanctions against those educational institutions that adopt policies of releasing student records; *Alig-Mielcarek v. Jackson*, 286 F.R.D. 521, 526 (N.D.Ga.,2012).

Plaintiff has filed a claim alleging that as a direct result of Idaho State University's aversive racism/prejudice and cultural incompetence, he was the victim of unlawful disparate treatment. [7] This treatment by ISU manifested a deliberate indifference to ISU's obligation to Plaintiff under Title VI which prohibits exclusion of students in academic endeavors, programs

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[6]The statutes do not create an independent privilege for educational records. *See also State v. Birdsall*, 116 Ariz. 196, 198–99, 568 P.2d 1094, 1096–97 (App.1977) (concluding that FERPA and the predecessor statute to A.R.S. § 15–141 permitted disclosure of school records pursuant to a subpoena duces tecum or other judicial order). Other jurisdictions have reached the same conclusion. *See Rios v. Read*, 73 F.R.D. 589, 598 (E.D.N.Y.1977) ("It is obvious ... that [FERPA] does not provide a privilege against disclosure of student records."); *Victory Outreach Ctr. v. City of Philadelphia*, 233 F.R.D. 419, 420 (E.D.Pa.2005) (authorizing the release of personally identifiable information contained in educational records pursuant to a subpoena in a civil suit); *Anderson by Anderson v. Seigel*, 175 Misc.2d 609, 668 N.Y.S.2d 1003, 1005 (N.Y.Sup.Ct.1998) *rev'd in part* 255 A.D.2d 409, 680 N.Y.S.2d 587 (N.Y.App.Div.1998) ("it is well settled that academic and school records generally are not protected by any privilege"); *Zaal v. State*, 326 Md. 54, 602 A.2d 1247, 1255 (1992) ("[FERPA] did not ... create a privilege against disclosure of student records to be invoked by the school, the student, or his or her parents"); *Reeg v. Fetzer*, 78 F.R.D. 34, 36 (W.D.Okla.1976) (holding that educational records are not privileged under FERPA); *Gaumond v. Trinity Repertory Co.*, 909 A.2d 512, 517–19 (R.I.2006) (holding that FERPA and state law did not create an educational records privilege). At most, the federal and state statutes make educational *454 **1212 records " confidential," although FERPA does not use this term. Regardless of the term we apply, the protections afforded to educational records by statute do not prohibit, but rather permit, disclosure pursuant to court order. *See D.L. v. Unified Sch. Dist. # 497*, 270 F.Supp.2d 1217, 1244 (D.Kan.2002), *aff'd in part, vacated in part on other grounds*, 392 F.3d 1223 (10th Cir. 2004) ("The regulation at issue [34 C.F.R. § 99.31(a)(9)(i)] clearly provides that otherwise confidential information may be disclosed pursuant to court order.").

Catrone v. Miles, 160 P.3d 1204, 1211-12, 215 Ariz. 446, 453-54 (Ariz.App. Div. 1,2007)

[7] On March 25, 2016, the Defendants were provided expert reports that among other matters specifically delineated the aversive racism prejudice and cultural incompetence of Defendant that led to the dismissal of Plaintiff from the Defendant's Doctoral Program in Clinical Psychology.

or activities on the basis of race, color, or national origin that are receiving federal financial assistance from the U.S. Department of Education and a violation of I.C. § 67-5909 (1). In order to develop support for his claims Mr Jun Yu requested production of the relevant student records to show preferential treatment of non-minority students in ISU's doctoral program. The Defendant has refused to produce the requested records claiming the following: (1) information sought is not reasonably calculated to lead to admissible evidence at trial because it is confidential and proprietary in nature; and (2) the materials sought in this Request for Production are protected by federal law, including but not limited to the FERPA. The Defendant's position is unsupported by case law.

In the present case, Plaintiff is seeking to prove that his treatment as an Asian international student in Defendant's doctoral program in Clinical Psychology as compared to the non-minority students in Defendant's doctoral program in Clinical Psychology violated Title VI standards in regard to assessment, placement, remediation and other academic factors. The alleged disparate treatment would be impossible to prove unless Plaintiff could trace and compare the progress of individual students in the Defendants doctoral program in Clinical Psychology during the relevant period of 2008-2015. The case of *Rios v. Read*, 73 F.R.D. 589 (D.C.N.Y. 1977) is instructive. In this case, a class actions lawsuit was brought against school officials for violating students rights to equal educational opportunity through a failure of providing the educational tools necessary to address the students English language deficiencies. In opining that a school district may not rely on FERPA to avoid disclosure of student records where unlawful discrimination is alleged under Title VI, the Court reasoned that an agency of the federal government would not be precluded from obtaining student records to audit

"compliance with federal legal requirements which relate to these programs" *Rios at* 600. The Court stated:

> It follows that, ***in view of the significant role of private lawsuits in ending various forms of discrimination in school systems***, s 438 should not serve as a cloak for alleged discriminatory practices simply because litigation to end such practices is initiated by private plaintiffs rather than the government. *Id.* (Emphasis added)

The Ninth Circuit has recognized that while FERPA did not establish a privilege for student records, it nevertheless recognized a privacy interest. To overcome the privacy interest, a person requesting the student records must establish that the records requested: (1) have some relationship between the charges and information sought and (2) there exist a likelihood that relevant information would be obtained as a result of reviewing the records. This heightened burden rationale is to be found in the case of *Cherry v. Clark County School District*, 2012 WL 4361101 (2012) where the court stated that: "Given FERPA's underlying privacy concerns, it does, however, place a higher burden on a party seeking access to student records to justify disclosure than with the discovery of other types of records. *Id."* *Cherry v. Clark County School Dist*., 2012 WL 4361101, at *5 (D.Nev., 2012); *see also Black v. Kyle-Reno,* 2014 WL 667788, at *2; and *Davids v. Cedar Falls Community Schools*, 1998 WL 34112767, at *3 (N.D.Iowa, 1998) wherein the Court noted that access to student records should be denied "only when the records sought are even arguably relevant and unusable." In the present case, Plaintiff has alleged that he was the victim of unlawful disparate treatment because he was a Chinese international student. Plaintiff maintains that the Defendant's cultural incompetence and aversive racism/prejudice resulted in this unlawful disparate treatment of which treatment is contrary to ISU's obligation to Mr. Jun Yu under Title VI. It is Plaintiff's position that access to the student records requested is relevant to the litigation and necessary to prove Plaintiff's case. *Davids v.*

Cedar Falls Community Schools is also instructive in the present case. In *Davids*, similar to the present case, the Plaintiff alleged that the school had engaged in the disparate treatment of minorities when compared to non-minorities when it came to disciplinary issues. The Court aware of the privacy interest of the students and FERPA concluded that while it was mindful of the privacy interest of the students, that interest was "nonetheless outweighed by David's need for disclosure" *Davids* at *3. In granting the Plaintiff's request for the production of student records, the court also issued a protective order that allowed access to the records to Plaintiff's attorney, and Plaintiff's experts hired to assist Davids at trial. Plaintiff in the present case recognizing the need to balance the legitimate privacy interest of students and Plaintiff's need for evidence to prove Plaintiff's case is unopposed to a resaonable protective order the Court may issue allowing the production of the requested student records.

III. F.R.C.P. 37(a)(1) CERTIFICATION[8]

Pursuant to F.R.C.P. 37(a)(1), counsel for the Plaintiff certifies that he has conferred in good faith with counsel representing the Defendant as required by Idaho Federal District Local Rule 37.1 (Civil) in an attempt to resolve this discovery issue.

CONCLUSION

[8] Idaho Federal District Local Rule 37.1 (Civil) is as follows:

> "To confer means to speak directly with opposing counsel or a self-represented litigant in person or by telephone, to identify and discuss disputed issues and to make a reasonable effort to resolve the disputed issues. The sending of an electronic or voice-mail communication does not satisfy the requirement to 'confer.'"

FERPA allows a Plaintiff who has received a Court order to have a Defendant disclose a student or students educational/academic records. In the present case, Plaintiff has shown that the requested records are relevant in that the records will aid Plaintiff in demonstrating that the Defendant's reasons for dismissing him from the Defendant's doctoral program in Clinical Psychology were pretext for unlawful discrimination. As illustrated herein, the term "relevant" is **"**construed broadly to encompass any matter that bears on, or that reasonably could lead to other matter that bears on, any issue that is or may be in the case", *Oppenheimer Fund v. Sanders Id.*, and *Thomas E. Hoar, Inc. v. Sara Lee Corp.*, 882 F.2d 682, 687 (2d Cir.1989) (holding that "the broad scope of discovery delimited by the Federal Rules of Civil Procedure is designed to achieve ***disclosure of all the evidence relevant to the merits of a controversy***"). (Emphasis added). It is clear that the discovery sought is: (1) tailored to the matter at hand and limited to the Plaintiff's claims, (2) precise in identifying the time, subject matter and student records involved, and (3) reasonably calculated to lead to admissible evidence at trial.

Plaintiff has demonstrated herein that notwithstanding the issues of privacy that it is necessary that Plaintiff have access to the student records requested, as FERPA must not serve as a shield for alleged discriminatory practices. The burden or expense of this discovery does not outweigh the benefit of discovering the information sought. Plaintiff, aware of the privacy interest that bears protection, is willing to receive the requested student records under a reasonable protective order. A proposed protective order is included herein as Exhibit "A". Therefore, and for the reasons stated herein, Plaintiff's motion to compel discovery of the student records requested must be granted through an order issued by this honorable Court.

DATED this 25th day of March, 2016.

Respectfully Submitted,

IDAHO EMPLOYMENT LAW SOLUTIONS

__/s/_____
R.A. (RON) COULTER
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of March, 2016, I caused to be served a true and correct copy of the foregoing Plaintiff's Memorandum In Support of Plaintiff's Motion to Compel the Production of Student Records to:

MICHAEL E.KELLY ISB # 4351 380 E. PARKCENTER BLVD., SUITE 200 POST OFFICE BOX 856 BOISE, ID 83701	( ) U.S. Mail ( ) Hand Delivery ( ) Certified Mail, Return Receipt Requested ( ) Overnight Mail ( ) Facsimile: (208) 342 4344 (X) Electronic Mail: (ECF) mek@ktslawoffice.com
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IDAHO EMPLOYMENT LAW SOLUTIONS

_/s/_____
R. A. (RON) COULTER

Exhibit “A”
Proposed Protective Order

THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

JUN YU, **Plaintiff,** **v.** **IDAHO STATE UNIVERSITY,** and **JOHN/JANE DOES I through X, whose true identities are presently unknown,** **Defendants.**	**Case No: 4:15-cv-00430-REB** **PROTECTIVE ORDER**

This matter came before the court on Plaintiff's Motion to Compel the Production of Student Records per F.R.C.P. 37(A)(3)(B)(iv). The Court having reviewed the briefings of the parties, considered the arguments of the parties and good cause appearing

IT IS HEREBY ORDERED:

Plaintiff is seeking to prove that his treatment as an Asian international student in Defendant's doctoral program in Clinical Psychology as compared to the non-minority students in Defendant's doctoral program in Clinical Psychology violated Title VI standards in regard to assessment, placement, remediation and other academic factors. Plaintiff's allegations can only be proven if he is granted the production of the ***complete*** student records of all students who were enrolled in Idaho State University and who were pursuing a doctorate degree in Clinical Psychology between 2008 and 2015. While this Court is mindful of the privacy interest of the students involved, it is nonetheless outweighed by Plaintiff's need for disclosure and production. All disclosures production of records will be limited to the conditions outlined below, thereby

preserving the students' privacy. Defendant is therefore ordered to respond to the discovery request, consistent with this order subject to the following conditions.

Protective Order

The disclosure and production of the information shall adhere to the following conditions:

1. The use of this information is limited to the lawsuit brought by Plaintiff against Defendant;
2. Access to this information is limited to Plaintiff, his attorney, and any expert hired to assist Plaintiff at trial; and
3. All of the disclosed information shall be returned to the Defendant at the end of this lawsuit.

Notice

It is further ordered the Defendant provide notice to those students whose records are to be disclosed. The Defendant shall, within ten (10) days from the date of this order, serve and file a form of notice for this court's approval. The notice shall contain: (1) a brief description of the nature of the case; (2) Plaintiff's theory as to why the information is relevant; (3) the party's names; (4) the names and addresses of the attorneys for each party; (5) a description of the protective order-what information will be disclosed, who will have access to this material etc.; (6) that any involved student can voice objections to the disclosure by way of a letter to the undersigned judge within thirty (30) days of receipt of the notice; and (7) the name and mailing address of the undersigned judge.

Dated this ___ day of _____, 2016

_____
HONORABLE ROBERT E. BUSH
UNITED STATES MAGISTRATE JUDGE