


SO ORDERED: September 17, 2021.



  
James M. Carr  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANAPOLIS DIVISION**

IN RE:

ITT EDUCATIONAL SERVICES, INC. et al.<sup>1</sup>  
  
Debtors

Chapter 7

Case No. 16-07207-JMC-7A

**ORDER GRANTING STUDENT CLAIMANTS' MOTION  
FOR AN ORDER FURTHER MODIFYING THE PROTECTIVE ORDER GOVERNING  
THE PRODUCTION OF DISCOVERY MATERIALS BY THE TRUSTEE**

Upon the motion (the "Motion")<sup>2</sup> [Doc. 4462] of Student Claimants for an order pursuant to Fed. R. Bankr. P. 9013, modifying the Protective Order (Doc 2803) and the Modified Protective Order (Doc 3980); this Court, having jurisdiction over this Motion pursuant to 28 U.S.C. § 1334; it appearing that venue in this Court is proper pursuant to 28 U.S.C. §§ 1408 and

<sup>1</sup> The debtors in these cases, along with the last four digits of their respective federal tax identification numbers are ITT Educational Services, Inc. [1311]; ESI Service Corp. [2117]; and Daniel Webster College, Inc. [5980].

<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meanings used in the Motion.

1409; it appearing that this matter affects the administration of the debtors' estate; and after due deliberation thereon, it is hereby

ORDERED:

1. The Motion is GRANTED.
2. Pursuant Rule 9013 the following modifications are hereby attached as controlling provisions to Paragraph 6 of the Protective Order and Paragraph 2 (b) of the Modified Protective Order:

- a. Modification of Section (d) of Paragraph 6 of the Protective Order to state: (d) any lawsuits, reports, white papers, actions, or administrative proceedings commenced or pursued by any of the Debtors' former students and their representatives or Student Claimants' counsel, for purposes of advocating for student debt cancellation related to the Debtors or the Debtors' institutions, or student claims or defenses to repayment of federal and private loans related to the Debtors or attendance at the Debtors' institutions;
- b. Modification of Subsection b of Paragraph 2 of the Modified Protective Order to state: Trustee, upon the written request of a Receiving Party, may waive the Confidential protections of previously designated Confidential or Attorney's Eyes Only Discovery Materials, including documents turned over as part of the Government Productions, for the purpose of submitting the Discovery Materials to the Department of Education, including for Borrower Defense Applications. Once the request is deemed granted, the Receiving Party may submit Discovery Materials to the Department of Education, including for Borrower Defense Applications, with redactions of any Personally Identifiable Information, defined

as any information subject to any applicable privacy or data security law, rule, or regulation, *e.g.*, dates of birth, first name or first initial and last name in combination with other data elements specified by applicable law, such as Social Security numbers, drivers' license numbers, financial account number and/or the like (“Personally Identifiable Information”), and any and all other required redactions under applicable law, including but not limited to, the Family Educational Rights and Privacy Act and the Gramm-Leach-Bliley Act (the “Required Redactions”). Additionally, counsel for Student Claimants and state entities may make such Discovery Materials approved for Waiver available to student borrowers upon request to Student Claimants’ counsel or state entities for usage in Proceedings before the Department of Education, including for Borrower Defense Applications, with the Required Redactions. Any content of the Waived Discovery Materials that is referenced, quoted, or reproduced in any Proceedings may be made public, including posted to the Student Claimants’ counsel’s website, and may be made available for any use, without any restrictions, but must comply with the provisions of the Protective Order, as modified through the date of this Order, including but not limited to the Required Redactions; provided however, the publication of any content of the Waived Discovery Materials shall be subject to approval by Trustee solely to ensure compliance with redaction of Personally Identifiable Information and the Required Redactions, and the Student Claimants’ counsel or state entities must provide a copy of the documents and/or materials containing the content of the Waived Discovery Materials to the Trustee no less than fourteen (14) days before publication. If the Trustee objects to the publication

of the documents and/or materials containing the content of the Waived Discovery Materials within fourteen (14) days of receipt and the parties are unable to resolve such objection, the parties shall contact the Court to schedule a hearing on the matter. While the content of the Waived Discovery Material may be made public, subject to the terms and conditions of the Protective Order and this Order, the Waived Discovery Material documents themselves, may only be made available to former students and their representatives on request, or submitted directly to The Department of Education pursuant to the terms of the Protective Order, as modified through the date of the Order granting this Motion.

- c. All other provisions of the Protective Order shall remain unchanged and applicable.

###