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Interim Co-Lead Class Counsel

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE PLAID INC. PRIVACY
LITIGATION

THIS DOCUMENT RELATES TO:
ALL ACTIONS

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Master Docket No.: 4:20-cv-03056-DMR

**DECLARATION OF CHARLES
J. GOWER REGARDING DEVIATIONS
FROM MODEL PROTECTIVE ORDER**

1 I, Charles J. Gower, declare and state as follows:

2 1. I am an attorney at Burns Charest, LLP, counsel for the Plaintiffs and the proposed
3 Classes in the above captioned litigation. I am older than 21 years of age and am not a party to
4 this action. I make this declaration explaining the modifications proposed by Plaintiffs to the
5 Proposed Stipulated Protective Order submitted herewith, from the Model Protective Order for
6 Litigation Involving Patents, Highly Sensitive Confidential Information and/or Trade Secrets. If
7 called upon to testify, I could and would testify competently to the truth of the matters stated
8 herein.

9 2. In **Section 2.9**, the specified exclusion for software development kits from the
10 definition of HIGHLY CONFIDENTIAL – SOURCE CODE information is intended to clarify
11 this definition and to prevent potential disputes over its scope.

12 3. In **Section 2.15**, the inclusion of professional jury or trial consulting within the
13 definition of Professional Vendors is intended to ensure that this category of vendor may access
14 Protected Material as necessary for the efficient conduct of the action.

15 4. In **Section 2.16**, the addition of “pursuant to the provisions of this Stipulated
16 Protective Order” is ministerial and intended for clarifying purposes.

17 5. In **Section 5.2(b)**, the provision that the advance notice requirement shall, under
18 specified conditions, be deemed satisfied for a particular Court hearing or conference is intended
19 to reduce burdens on the Parties of providing notice unnecessarily.

20 6. **Section 5.4**, which provides that Defendant shall make a good faith attempt to
21 designate sensitive, non-public discovery materials regarding the Named Plaintiffs
22 CONFIDENTIAL, is intended to increase efficiency where such confidentiality designations can
23 reasonably be made by the Producing Party.

24 7. In **Section 7.2(e)** and accompanying footnote, the reference to videographers,
25 mock jurors, and focus-group participants is intended to ensure that this category of recipients
26 may access Protected Material as necessary for the efficient conduct of the action.

27 8. In **Sections 7.3(b)(ii) and 7.4(b)**, the provisions for expedited procedures for
28 resolving disputes are intended to facilitate the timely progress of discovery.

9. In **Section 10**, the additional language describing the sources of subpoenas was intended for clarifying purposes.

10. In **Section 14.1**, the statement that a Party or Non-Party may, in writing, release another Party or Non-Party from the requirements of this Order without further order from the Court is intended to reduce unnecessary burdens on the Court.

11. I understand the basis for the modifications listed below will be explained in a separate declaration:

a. In **Section 5.2**, the addition of “subject to the provisions of section 5.3 below;”

b. In **Section 5.2(a)**, the addition of “and if practicable to do so;”

c. In **Section 5.3**, the addition of “and shall return or destroy the improperly designated material;”

d. In **Section 6.3**, the replacement of provisions in the Model Order for challenging confidentiality designations with a requirement that the parties follow the procedures in this Court’s Standing Order Section 13;

e. In **Section 7.1**, the addition of prohibitions regarding Protected Material;

f. **Footnote 1** of Section 7.1;

g. In **Section 7.2(g)**, the addition of “personally” and “knows;”

h. The remaining substantive modifications to **Sections 7.3 and 7.4**;

i. In **Sections 9(c) and 9(e)**, the addition of a page limitation on printing source code, and additional restrictions on viewing paper copies of source code;

j. Modification of **Section 13**; and

k. The addition of **Section 14.5**.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 30th day of October, 2020, at New Orleans, Louisiana.

/s/ Charles J. Gower
Charles J. Gower

ATTESTATION OF CONCURRENCE IN FILING

In accordance with N.D. Cal. LR 5-1(i)(3), I hereby attest that I have obtained the concurrence of all other signatories in the filing of this document.

Dated: October 30, 2020

COOLEY LLP

By: /s/ Kyle Wong
Kyle Wong

Attorneys for Defendant
PLAID INC.