

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA, *et al.*,
ex rel. PAUL PIETSCHNER,

Plaintiffs,

v.

KATHRYN PETRALIA; ROBERT FROHWEIN;
and SPENCER ROBINSON,

Defendants.

Civil Action No. 4:21-CV-110-SDJ

**JOINT MOTION FOR ENTRY OF PROTECTIVE ORDER, FEDERAL RULE OF
EVIDENCE 502(D) ORDER, AND ORDER ON THE PRODUCTION OF DOCUMENTS
AND ELECTRONICALLY STORED INFORMATION**

Plaintiff United States of America (the “United States”), Relator Paul Pietschner, and Defendants Kathryn Petralia, Robert Frohwein, and Spencer Robinson (“Defendants”) (collectively referred to as the “Parties”), by and through their respective counsel, jointly file this Motion for the entry of a Protective Order, Federal Rule of Evidence 502(d) Order, and Order on the Production of Documents and Electronically Stored Information.

I.

This is an action against Defendants, former executives of a financial technology company, Kabbage, Inc., to recover treble damages and civil penalties under the False Claims Act (“FCA”), 31 U.S.C. §§ 3729–3733, and to recover money for common law claims for payment by mistake and unjust enrichment, relating to Kabbage’s participation in the Government’s Paycheck Protection Program (“PPP”) as a PPP lender and loan service provider. The Parties anticipate discovery will likely include information subject to protections, such as trade secrets; proprietary financial or commercial material; other competitively sensitive information; sensitive personal identification or financial information, including such information relating to PPP borrowers and

their principals; sensitive investigatory information, including law-enforcement sensitive information; any information that may be subject to protections under the Bank Secrecy Act; and information relating to the investigation or supervision of a financial institution, or that is subject to any bank examiner's privilege. The Parties also anticipate that discovery will likely include disclosure of voluminous electronically stored information (ESI).

II.

Given the nature of the claims asserted in this action, the Parties represent to this Court that there is good cause for the entry of a protective order, 502(d) order, and order on the production of documents and ESI as such orders are needed to streamline discovery and to protect confidential information produced or is likely to be produced in discovery in this action, while also allowing the Parties to claw-back any privileged material inadvertently produced during discovery. *See* Fed. R. Civ. P. 26(c)(1). Pursuant to the Court's Order Governing Proceedings (ECF 69), the Parties have conferred and jointly submit the attached agreed upon Protective Order, a Federal Rule of Evidence 502(d) Order, and an Order on the Production of Documents and Electronically Stored Information for entry by this Court.

Date: April 24, 2025

Respectfully submitted,

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ABE MCGLOTHIN, JR.
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/s/ Betty Young

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CERTIFICATE OF SERVICE

I hereby certify that on April 24, 2025, I caused a true and correct copy of the foregoing document to be transmitted through the Court's electronic mailing service (CM/ECF) to all counsel of record who have consented to electronic service by the Court's electronic mailing service (CM/ECF).

/s/ Betty Young _____
BETTY S. YOUNG

CERTIFICATE OF CONFERENCE

I hereby certify that I have complied with Local Rule CV-7(h) and conferred with counsel for Relator and Defendants on April 23, 2025. Counsel for Relators and Defendants agree and join in this motion for entry of the attached protective order, Federal Rule of Evidence 502(d) order, and the order on the Production of Documents and Electronically Stored Information.

/s/ Betty Young _____
BETTY S. YOUNG