

## STEVEN S. ROSENTHAL Partner

901 New York Avenue NW 3rd Floor East Washington, DC 20001-4432 
 Direct
 202.618.5034

 Main
 202.618.5000

 Fax
 202.550.0508

 srosenthal@loeb.com

## Via Email

January 12, 2018

The Honorable Pierre N. Leval Thurgood Marshall United States Courthouse 40 Foley Square, Room 1901 New York, New York 10007

Re: Delaware v. Arkansas, et al. No. 220145/220146 (Consolidated)

Dear Judge Leval:

Per the Order dated January 10, 2018 requesting additional clarification regarding the Parties' Proposed Protective Order, the Parties submit that the Proposed Protective Order was intended to protect the documents of State Parties as well as private entities given that the State Parties are constrained by various state confidentiality statutes. For example, Delaware's Escheats Law (12 *Del. C.* §§ 1101, *et seq.*) requires Delaware to maintain the confidentiality of records related to the escheat of any unclaimed property. The specific language of 12 *Del. C.* § 1189(a) requires that:

Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for any officer or employee of the Department of Finance or the Department of State or for any other officer or employee of this State to disclose or make known in any manner to any person who is not a current officer or employee of this State any of the following:

- (1) The amount of unclaimed property that has been reported to and received by the State Escheator or the Secretary of State, or both, by any holder, under this chapter, or to disclose the terms of or supporting documentation related to any annual filing, unclaimed property voluntary disclosure agreement, or settlement agreement resulting from the reporting of any unclaimed property under this chapter, including all agreements entered into under this chapter, including past agreements.
- (2) Identifying information regarding any unclaimed property owner that is set forth in any report or record made or delivered to the State Escheator, including the exact amount of any property and the character of any property received by the State Escheator.



As a result, the Parties request that the Protective Order cover the documents of State Parties as well as private entities and that it be entered as submitted in this matter.

Respectfully submitted,

Steven S. Rosenthal Tiffany R. Moseley J.D. Taliaferro LOEB & LOEB LLP 901 New York Avenue NW Washington, D.C. 20001 Ph: (202) 618-5000 Fax: (202) 618-5001 Eml: srosenthal@loeb.com

Eml: srosenthal@loeb.com tmoseley@loeb.com jtaliaferro@loeb.com

Marc S. Cohen LOEB & LOEB LLP 10100 Santa Monica Boulevard, Suite 2200 Los Angeles, CA 90067 Ph: (310) 282-2000 Fax: (310) 282-2200

Eml: mscohen@loeb.com

MATTHEW P. DENN
Attorney General of Delaware
AARON R. GOLDSTEIN
State Solicitor
Caroline Lee Cross
Delaware Department of Justice
Department of Finance
Carvel State Office Building
820 North French Street
Wilmington, DE 19801
Ph: (302) 577-8842

Eml: Caroline.Cross@state.de.us

Counsel for Delaware

Matthew H. Haverstick KLEINBARD LLC One Liberty Place, 46th Floor 1650 Market Street Philadelphia, PA 19103 Ph: (215) 568-2000 Fax: (215) 568-0140 Eml: mhaverstick@kleinbard.com

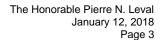
Counsel for Pennsylvania

Misha Tseytlin Solicitor General STATE OF WISCONSIN DEPARTMENT OF JUSTICE 17 West Main Street Madison, WI 53703 Ph: (608) 267-9323 Eml: tseytlinm@doj.state.wi.us

Counsel for Wisconsin

Nicholas J. Bronni Arkansas Deputy Solicitor General OFFICE OF THE ARKANSAS ATTORNEY GENERAL 323 Center Street, Suite 200 Little Rock, Arkansas 72201 Ph: (501) 682-6302 Eml: Nicholas.Bronni@arkansasag.gov

Counsel of Record for Plaintiff States in 220146





Patrick K. Sweeten Senior Counsel for Civil Litigation Todd Lawrence Disher Special Counsel for Civil Litigation OFFICE OF THE ATTORNEY **GENERAL OF TEXAS** P.O. Box 12548 (MC 001) Austin, TX 78711-2548 Ph: (512) 463-4139

(512) 936-2266

Eml: Patrick.Sweeten@oag.texas.gov

Todd.Disher@oag.texas.gov

Counsel for Texas

Aimee Feinberg Deputy Solicitor General Craig D. Rust Deputy Attorney General CALIFORNIA DEPARTMENT OF **JUSTICE** 1300 I Street Sacramento, CA 95814 Ph: (916) 322-0253 Eml: Aimee.Feinberg@doj.ca.gov Craig.Rust@doj.ca.gov

Counsel for California