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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,

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