UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE MERCEDES-BENZ EMISSIONS LITIGATION	Civil Action No. 16-881(SDW)(JAD) **DISCOVERY PRIVACY ORDER**

IT IS HEREBY ORDERED that, pursuant to Rule 26(c) of the Federal Rules of Civil Procedure and Local Rule 5.3(b), the following procedures shall be adopted with respect to Private Data, as defined herein. This Order ("Discovery Privacy Order") shall apply to the above-captioned action (the "Action"), including any cases subsequently filed in or transferred to this Action.

1. A Stipulated Discovery Confidentiality Order was agreed to and filed on July 3, 2019 (Exhibit A). The Stipulated Discovery Confidentiality Order governs the designation and treatment of "Confidential," "Highly Confidential," and "Confidential-Outside Counsel Only" materials, as those terms are defined therein. The Stipulated Discovery Confidentiality Order is incorporated herein by reference and the procedures contained in the Stipulated Discovery Confidentiality Order not explicitly addressed by this Discovery Privacy Order, e.g., depositions, shall control how Private Data shall be treated in those proceedings.

2. Definitions:

a. "Discovery Material" is defined in paragraph 4 of Exhibit A. This Order shall govern the handling of all Discovery Material. In addition, this Order applies not only to the Discovery Material containing Protected Material (as defined in paragraph 1(d) of Exhibit

A), but also to any summaries, digests, notes, recordings, copies, or other versions of such information, however maintained or transmitted.

b. "Private Data" is defined as (i) irrelevant, , personal information of an inherently intimate and private nature (such as medical information, home street numbers, personal telephone numbers, etc.), (ii) personal information that is objectively irrelevant to this Action, or (iii) private information that a party believes in good faith to be subject to U.S. data protection laws or other U.S. privacy obligations, provided, however, that Private Data shall in no case be construed to mean the names, positions, titles, or professional contact information (work address, work email, etc.) of the current or former employees of any Defendant or of third parties identified in relevant, responsive documents, data, or information produced in discovery in this Action.

c. "Producing Party" is defined in paragraph 1(a) of Exhibit A.

3. Private Data shall be treated in the same manner as Highly Confidential material under the Stipulated Discovery Confidentiality Order for all purposes.

4. Any Producing Party may redact from any Discovery Material information that the Producing Party claims in good faith constitutes Private Data. Any redactions of Private Data shall be marked "Personal Information" or "PI". The Producing Party shall preserve an unredacted version of each such Discovery Material.

5. All documents and materials filed on the Court's docket that contain Private Data, including, inter alia, any transcripts of depositions, exhibits, answers to interrogatories, briefs, memoranda, declarations, affidavits, and pleadings which comprise of or contain Foreign Private Data, Domestic Private Data, or information taken therefrom, shall be filed under seal, consistent with the procedures set forth in paragraphs 8, 18, 21, and 25 of Exhibit A. This Order does not address how Discovery Material containing

Private Data will be addressed at trial. The Parties can raise this issue if they need to in pre-trial motions.

6. The right to and process for challenging the designation or redactions of Private Data shall be the same as the right to and process for challenging confidentiality designations as set forth in Paragraph 14 of the Stipulated Discovery Confidentiality Order, which is fully incorporated herein by reference.

7. Entry of this Order shall not prejudice the right of any Party to seek other or further relief from the Court including, but not limited to, other protections necessary to produce Private Data or comply with U.S. data protection laws or other U.S. privacy obligations.

IT IS SO ORDERED.

DATED: 11/4/19

Hon. Dennis M. Cavanaugh (Ret.)
Special Master