



Panel 5: Addressing Privacy Issues in Non-Party Discovery

The 13th Annual Sedona Conference Institute Program on eDiscovery:
Protecting Privacy, Confidentiality, and Privilege in Civil Litigation
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The Ballantyne Hotel & Lodge, Charlotte, NC

Today's Faculty

- ❖ Robert Keeling
 - ❖ Sidley Austin LLP
- ❖ Meghan Landrum
 - ❖ Google
- ❖ Meghan A. Podolny
 - ❖ Hunton Andrews Kurth LLP
- ❖ Matthew Prewitt
 - ❖ Schiff Hardin LLP
- ❖ Hon. Lisa Margaret Smith
 - ❖ U.S. District Court, Southern District of New York



The 2015 Amendments & Non-parties

- ❖ 2015 Amendments the Federal Rules of Civil Procedure
 - ❖ Rule 26(b)(1)
 - ❖ Rule 37(e)
 - ❖ Rule 34
- ❖ Rule 45 ... unchanged

Privacy, Proportionality & Non-party Discovery



Revised Rule 26(b)(1): “... [P]roportional to the needs of the case, considering the importance of

- ❖ the issues at stake in the action,
- ❖ the amount in controversy,
- ❖ the parties’ relative access to relevant information,
- ❖ the parties’ resources,
- ❖ the importance of the discovery in resolving the issues, and
- ❖ whether the burden or expense of the proposed discovery outweighs its likely benefit.”

Nuts & Bolts of Non-party Discovery

- ❖ Non-Party Preservation
- ❖ Protective and 502(d) Orders
- ❖ Data Security
- ❖ Redaction
- ❖ Cost Shifting

Final Thoughts

