

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**IN RE: AT&T, INC. CUSTOMER DATA  
SECURITY BREACH LITIGATION**

Case No. 3:24-cv-00757-E

MDL DOCKET NO. 3:24-md-03114-E

*This Document Relates To All Cases*

**CASE MANAGEMENT ORDER # 11**

**AGREED FEDERAL RULE OF EVIDENCE 502(d) ORDER**

IT IS HEREBY AGREED AND ORDERED as follows:

1. The production of privileged or work-product protected documents, electronically stored information (“ESI”) or information (“Documents”), whether inadvertent or otherwise, is not a waiver of the privilege or protection from discovery in this case or in any other federal or state proceeding. This Order shall be interpreted to provide the maximum protection allowed by Federal Rule of Evidence 502(d).

2. Notwithstanding the foregoing, the Parties agree that any Document(s) used by any Party in a deposition, expert report, or court hearing or filing in this action (with the exception of a motion related to a disputed privilege claim or a disputed confidentiality designation) (“Used Document”), which a Producing Party does not provide written notice of a claw back within forty (40) days of its initial use, shall be ineligible for claw back under 502(d). Used Documents deemed ineligible for claw back under 502(d) shall not result in a subject matter waiver in this proceeding, or in any other state or federal proceeding. The Parties reserve all rights under FRE 502(b) regarding Used Documents.

3. The Parties further agree that if only a portion of a Used Document is subject to a claw back request, and the portion of the Used Document requiring redaction was not referenced by any Party in a deposition, expert report, or court hearing or filing in this action, then the Used Document will only be deemed ineligible for claw back under 502(d) if the Producing Party does not provide written notice of a claw back within sixty (60) days of its initial use.

4. Nothing contained herein is intended to or shall serve to limit a party's right to conduct a review of documents, ESI or information (including metadata) for relevance, responsiveness and/or segregation of privileged and/or protected information before production.

5. With the exception of ¶¶ 2-3 above, the provisions of Federal Rule of Evidence 502(b) do not apply.

**SO ORDERED: December 9, 2024.**

A handwritten signature in black ink, appearing to read 'Ada Brown', is written over a horizontal line.

ADA BROWN  
UNITED STATES DISTRICT JUDGE