

**UNITED STATES DISTRICT COURT  
FOR THE Northern District of Illinois – CM/ECF NextGen 1.8 (rev. 1.8.1)  
Eastern Division**

Multiplan Health Insurance Provider  
Litigation, et al.

Plaintiff,

v.

Case No.: 1:24-cv-06795  
Honorable Matthew F.  
Kennelly

Multiplan, Inc., et al.

Defendant.

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**NOTIFICATION OF DOCKET ENTRY**

This docket entry was made by the Clerk on Monday, December 30, 2024:

MINUTE entry before the Honorable Matthew F. Kennelly: The Court has reviewed the parties' disputed positions regarding the proposed preservation order, HIPAA protective order, and ESI protocol and rules as follows. (1) Preservation order (dkt. 208): The court-ordered preservation obligation should go back to 1/1/2012. This is not intended to resolve any disputes that may hereafter arise regarding non-preservation of materials predating 1/1/2012. (2) HIPAA protective order (dkt. 209): (a) The Court adopts plaintiffs' proposal regarding the scope of Highly Confidential designations. The use of the term "current" trade secrets does not mean, as defendants suggest, that confidentiality must be based on the date of the document; a plain-English reading of the term "current trade secrets" simply means that the matter must involve something that is currently a trade secret as opposed to, for example, something that previously was a trade secret but no longer is. And the proposed limitation of "legitimate interests" justifying confidentiality designations to "legitimate *business* interests" is an appropriate limitation. (b) The Court adopts defendants' position on limiting in-house counsels' access to Highly Confidential material. The caveat, however, is that if the defendants over-designate material as Highly Confidential, the Court will entertain a request to remove the limitation on access by in-house counsel. (3) ESI protocol (dkt. 211): (a & b) The Court adopts defendants' position on the "search proposal timing" and "thread suppression" issues. (c & d) The Court adopts plaintiffs' position on the "lesser included emails" and "deleted, destroyed, or overwritten materials" issues. (4) Conclusion: The parties are directed to provide *in a single e-mail to the proposed order address* (so the Court does not have to go hunting) Word versions of the document preservation, HIPAA protective order, ESI protocol, and expert discovery CMOs, consistent with the rulings made herein, by no later than 1/2/2025. (mk)

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