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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

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TRAVIS LYNN SHUMWAY, an individual residing in the state of Utah; CHAD L. SHUMWAY, an individual residing in the state of Utah; MOUNTAIN WEST MEDICAL SUPPLY, L.L.C., a Utah limited liability company; UNITED ENERGY WORKERS HEALTHCARE, CORP., an Ohio corporation; FOUR CORNERS HEALTH CARE CORP., a Utah corporation; and FOUR CORNERS HEALTHCARE INC., a Wyoming corporation;

Plaintiffs,

v.

JAMES LINN WRIGHT, an individual; AUDRA WRIGHT, as individual; GARY D. SLAVENS, as individual; JANE AND JOHN DOES 1-10; and DOE BUSINESS ENTITIES 1-10;

Defendants.

**SPECIAL MASTER REPORT NO. 3**

**REPORT AND RECOMMENDATION  
ON THE DISPOSITION OF  
INFORMATION SEIZED FROM  
DEFENDANT JAMES LINN WRIGHT  
AND DEFENDANT AUDRA WRIGHT**

Case No.: 4:19-cv-00058-DN-PK

District Judge David Nuffer  
Special Master Philip J. Favro

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Pursuant to the Court’s September 4, 2019 Order Appointing Special Master (“Special Master Appointment Order”),<sup>1</sup> the Special Master hereby provides the following REPORT and RECOMMENDATIONS on the disposition of information seized from the computers belonging to Defendant James Linn Wright and Defendant Audra Wright (collectively the “Wrights”) pursuant to the Court’s August 26, 2019 Ex Parte Seizure Order and Evidence Preservation Order (“Seizure Order”).<sup>2</sup>

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<sup>1</sup> [Docket no. 65](#), filed September 4, 2019.

<sup>2</sup> [Docket no. 32](#), filed August 26, 2019.

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1. Under the Special Master Appointment Order, the Special Master “must locate and isolate all misappropriated trade secret information” found on the Wrights’ electronic devices and paper records that were seized pursuant to the Seizure Order.<sup>3</sup> In addition, the Special Master must “facilitate the return of unrelated property and data” to the Wrights and do so “with all reasonable diligence and take all appropriate measures to perform the assigned duties fairly and efficiently.”<sup>4</sup>

2. While this REPORT deals with subject matter and issues identical to those ultimately to be decided in the above-captioned litigation, it is only written in the context of the Seizure Order and the need for the most accurate and expeditious process to facilitate return of seized hardware and data which is not trade secret information. Ultimate findings of fact and issue rulings may be different than those in this REPORT.

3. The Special Master has completed his review of the Wrights’ electronic and paper documents and has endeavored to carry out the responsibilities associated with that review

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<sup>3</sup> [Docket no. 65](#), filed September 4, 2019.

<sup>4</sup> *Id.*

consistent with the charge the Court delivered in the Special Master Appointment Order. In this REPORT, the Special Master describes the documents he has concluded constitute “misappropriated trade secret information” pursuant to the Seizure Order and RECOMMENDS that such documents be deleted before the Court allows the Wrights to gain unfettered access to their seized computer devices and paper documents.<sup>5</sup> As part of this REPORT, the Special Master defines his understanding of “misappropriated trade secret information;” details the nature of his review of the Wrights’ documents; generally describes the Wrights’ documents; provides conclusions regarding certain of the Wrights’ documents that should be destroyed; and spotlights key issues for consideration by the Court and the parties.

**I. “MISAPPROPRIATED TRADE SECRET INFORMATION”**

4. In order to carry out the Court’s directive to “locate and isolate all misappropriated trade secret information,” the Special Master had to determine the nature of such trade secret information. To make that determination, the Special Master relied on the express findings from the Seizure Order. The Seizure Order concluded, for its purposes, that the patient lists—which Plaintiffs Travis Lynn Shumway, Chad L. Shumway, Mountain West Medical Supply, L.L.C., United Energy Workers Healthcare, Corp., Four Corners Health Care Corp., and Four Corners Healthcare Inc. (collectively “Plaintiffs”) developed relating to home health care services to beneficiaries of the Energy Employees Occupational Illness Compensation Program Act and the Radiation Exposure Compensation Act—constituted trade secrets.<sup>6</sup>

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<sup>5</sup> *Id.*

<sup>6</sup> [Docket no. 32](#), filed August 26, 2019, at 7-9 (“the generation of patient lists for Plaintiffs constitute unique proprietary and confidential information”).

5. That the Seizure Order determined Plaintiffs' lists of patients are the trade secrets at issue for purposes of the Special Master Appointment Order is further confirmed by the "Scope of the Seizure" provided in the Seizure Order.<sup>7</sup> In that section of the Seizure Order, the Court directs Federal law enforcement officials to seize "[a]ll Customer and Patient Lists found to be in the possession of any Defendant" that belong to Plaintiffs.<sup>8</sup>

6. The Seizure Order does not define "patient records" as the Plaintiffs' trade secrets. While mentioning "patient records," the Seizure Order does so in an apparent effort to describe the likely existence of "evidence relating to the misappropriation of those trade secrets," which are Plaintiffs' patient lists.

7. The Special Master is aware that Plaintiffs have submitted briefing to address the meaning and scope of the definition of trade secrets under the Seizure Order. Defendants have yet to submit their briefing on this issue. Accordingly, this Report does not reflect Defendants' or Plaintiffs' respective briefing on this issue.

8. Given all of the foregoing, the Special Master concludes that for purposes of this REPORT, Plaintiffs' trade secrets refer to and encompass lists of their patients. Therefore, the Special Master's RECOMMENDATIONS regarding the erasure of Plaintiffs' trade secrets from the Wrights' electronic and paper records will be limited to actual lists of Plaintiffs' patients.

## II. REVIEW OF THE WRIGHTS' DOCUMENTS

9. Federal law enforcement officials seized nine different computer devices from the Wrights, along with 422 paper documents.<sup>9</sup> After processing by the Court's technical experts, the

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<sup>7</sup> *Id.* at 22-28.

<sup>8</sup> *Id.* at 26.

<sup>9</sup> More specific details regarding the nature of the devices and documents, along with the precise amounts of information available from each device and the cache of paper documents, are set forth in detail on Exhibit A, which was presented to the Court by the Court's technical experts during the September 6, 2019 hearing.

total amount of data seized from the Wrights constitutes 111,031 documents. This universe of information was narrowed substantially after Plaintiffs supplied search terms, which were names from Plaintiffs' patient lists and Plaintiffs' entity names. After applying that search criteria, the subset of information from the Wrights totaled 6,367 documents. The 6,367 documents did not include any documents from Defendant Audra Wright's iPhone 8 mobile device.

10. As discussed in Special Master Report No. 1, the Special Master has used a variety of search strategies, queries, and methodologies to process through and review the subset of 6,367 documents with search term hits.<sup>10</sup> The Special Master has manually reviewed each of the 6,367 documents and some of those documents multiple times. In addition, the Special Master directed the Court's technical experts to run search queries that specifically target documents that would likely constitute Plaintiffs' patient lists, along with patient records belonging to Plaintiffs. These search queries have yielded several patient lists among the Wrights' documents, which are identified by a unique electronic document identification number. That unique electronic document identification number—similar to an electronic Bates number—will allow the Court's technical experts to easily identify Plaintiffs' patient lists for erasure from both the Wrights' devices and the cache of paper records.

11. The Special Master has also reviewed a statistically valid sample of documents from the null set of documents obtained from the Wrights' respective mobile devices. "Null set" refers to the subset of documents that did not include hits from Plaintiffs' search terms.<sup>11</sup>

Reviewing samples from the null sets of documents allowed the Special Master to conclude that

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<sup>10</sup> [Docket no. 95](#), filed September 17, 2019.

<sup>11</sup> See [City of Rockford v. Mallinckrodt ARD Inc., 326 F.R.D. 489, 491-92 \(N.D. Ill. 2018\)](#) (describing the "null set" and the measures the court ordered the parties to incorporate into their electronic search protocol to ensure a reasonable review of the "Null Set" documents and that relevant information was not unreasonably excluded from the parties' respective productions).

the search terms did not inadvertently exclude information relating to Plaintiffs' patient lists or patient records.<sup>12</sup> The Special Master will review statistically valid samples from the null sets of the data obtained from the Wrights' other devices and provide a corresponding report when such review is completed.

12. Through the date of this REPORT, the Special Master has reviewed a grand total of 10,250 documents. Of those 10,250 documents, 7,901 are separate and unique documents.

### **III. DESCRIPTION OF THE WRIGHTS' DOCUMENTS**

13. The Wrights' documents that the Special Master reviewed generally comprise communications including text messages and emails, along with business records and legal records. Those documents are exclusively from Defendant James Linn Wright's electronic devices and paper records.

#### **A. Text Messages and Emails**

14. Defendant Wright's text messages are generally personal in nature and do not relate to the claims or defenses asserted in the above-captioned litigation.<sup>13</sup> Among the collection of mostly personal text messages were a few business-related communications between Defendant Wright and Chris Williams.

15. Defendant Wright's email communications also included a combination of personal and business correspondence. Setting aside the personal email messages, which are not relevant to the claims or defenses in this lawsuit, Defendant Wright's email messages can be segregated into three distinct categories. The first category includes emails from the early 2012 to March 2013 timeframe when Defendant Wright worked for Plaintiff Mountain West Medical

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<sup>12</sup> See [FED. R. CIV. P. 26\(g\)\(1\)](#).

<sup>13</sup> See [FED. R. CIV. P. 26\(b\)\(1\)](#).

Supply, L.L.C. (“MWMS”). Those emails include correspondence with the employees and principals of MWMS, along with any number of other business-related communications for MWMS.

16. The second category of emails includes Defendant Wright’s communications relating to various business enterprises and business development efforts after he left MWMS in or about March 2013.

17. The third category of emails encompasses direct correspondence between Defendant Wright and plaintiff Travis Shumway in or about March 2013 and in the June to July 2017 time period.

**B. Business Records**

18. Defendant Wright’s documents include various business records, which can generally be placed in two different groups. The first group of business records comprises documents relating to Defendant Wright’s work with MWMS. Those records include MWMS patient lists, protected patient information, company policies and procedures, forms, manuals, written correspondence, business plans, company operating agreements, bank records, accounts receivables, profit and loss statements, balance sheets, and other documents. In addition to these proprietary MWMS business records, Defendant Wright’s documents also include records belonging to Plaintiff Four Corners Healthcare, Inc. and an entity entitled Four Corners Healthcare, LLC.

19. The second group covers materials from Defendant Wright’s various business enterprises and business development efforts after he left MWMS in or about March 2013. Those records include forms, written correspondence, and related documents that appear essential to operating any number of business enterprises within the broader healthcare industry vertical. The

second group of records also includes lists of varying lengths reflecting the names of individuals that may be actual or prospective customers or patients of Mr. Wright's successive business operations. Those lists invariably include some names also found on Plaintiffs' patient lists.

### **C. Legal Records**

20. Defendant Wright also maintains a vast collection of legal records. Those records generally fall into three separate categories. The first of these categories includes Defendant Wright's communications with his legal counsel regarding disputes and transactions, all of which are ostensibly safeguarded from discovery by the attorney-client privilege.

21. The second category of legal records comprises communications with adversarial legal counsel regarding settlement agreements, sworn statements such as affidavits, and related documents. Among these communications are multiple emails between Defendant Wright and Plaintiffs' counsel of record in the above-captioned litigation, Gregory Hardman.

22. The third category of legal records encompasses deposition transcripts, draft settlement agreements, draft sworn statements, subpoenas, written discovery requests, and written discovery responses.

## **IV. CONCLUSIONS AND RECOMMENDATIONS**

23. Based on the extensive review conducted of Defendant Wright's documents, the Special Master has reached the following four conclusions regarding those documents: (A) There is evidence of Plaintiffs' trade secrets in Defendant Wright's documents; (B) there is evidence that Defendant Wright has kept protected patient information pertaining to Plaintiffs' patients; (C) there is evidence that Defendant Wright has retained proprietary information belonging to Plaintiffs, particularly MWMS; and (D) there are lists of individuals that may be actual or



prospective customers or patients of Defendant Wright, which include names from Plaintiffs' patient lists, that should not be considered Plaintiffs' trade secrets at this time.

**A. Evidence of Plaintiffs' Trade Secrets**

24. In Special Master Report No. 1, the Special Master observed preliminarily that he had "identified at least five different documents that appear to be lists of patients that Plaintiffs may have originally prepared or generated and that should be deleted from the Wright Computers pursuant to the Seizure Order."<sup>14</sup> The Special Master also indicated that the "documents in question appear to be substantially the same as those documents marked as Exhibit B and Exhibit C from the Court's September 6, 2019 hearing."<sup>15</sup>

25. Exhibit B means and refers to a Microsoft Word document memorializing a list in table format of approximately 60 to 70 names of people. The document, bearing the date February 17, 2012, apparently reflects the names of patients of Plaintiff Four Corners Healthcare, Inc. The document includes protected patient information including dates of birth and social security numbers, along with other patient data.

26. Exhibit C means and refers to a Microsoft Excel spreadsheet dated 2012 memorializing a list of 42 names, which are also apparently patient names belonging to Plaintiffs.

27. After completing additional review and analysis of Defendant Wright's documents since issuing Special Master Report No. 1, the Special Master has now identified a grand total of 10 lists of patients in Defendant Wright's documents that exclusively reflect names

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<sup>14</sup> [Docket no. 95](#), filed September 17, 2019.

<sup>15</sup> *Id.*

set forth in Plaintiffs' patient lists, which the Court has deemed protected trade secrets pursuant to the Seizure Order.

28. Seven of the ten patient lists from Defendant Wright's documents appear identical to Exhibit B. Those documents bear the following unique electronic identification numbers in the technical expert's Relativity eDiscovery platform: REV00000003, REV00000253, REV00001247, REV00003516, REV00014018, REV00014622, and REV15524. The Special Master hereby RECOMMENDS that the Court order all of the aforementioned documents in this Paragraph (with the exception of REV00001247) be erased from Defendant Wright's computers. With respect to REV00001247, which is a paper document belonging to Defendant Wright, the Special Master RECOMMENDS this document be shredded.

29. Of the above referenced seven documents in Paragraph 28 of this REPORT, four of these documents— REV00003516, REV00014018, REV00014622, and REV15524—were attachments to emails that Defendant Wright either sent or received. To ensure these four documents (which reflect Plaintiffs' protected trade secrets) are properly obliterated, the Special Master RECOMMENDS that the Court order the respective emails that included the patient lists as attachments also be erased from Defendant Wright's email accounts. The unique electronic identification numbers for the enclosure emails are respectively REV00003515, REV00014017, REV00014621, and REV15523.

30. Of the three remaining patient lists from Defendant Wright's documents, two of them appear identical to Exhibit C. Those documents bear the following unique electronic identification numbers: REV00003222 and REV00013872. The Special Master hereby RECOMMENDS that the Court order both of the aforementioned documents in this Paragraph

be erased from Defendant Wright's computers. In addition, the Special Master RECOMMENDS that REV00013871, which is the corresponding enclosure email for REV00013872, be erased.

31. The final protected patient list that the Special Master RECOMMENDS be erased from Defendant Wright's computers is REV00000604. This document reflects the names of seven patients, their respective mailing addresses, dates of birth, social security numbers, and other patient data. While REV00000604 does not have a title or date, the metadata<sup>16</sup> for this record reveals the document was created on June 26, 2017 and bears the electronic filename "Casper WY patients.docx."

#### **B. Evidence of Plaintiffs' Protected Patient Information**

32. Defendant Wright has retained on his computer devices a number of records belonging to MWMS that include protected patient information belonging to Plaintiffs. Those documents are generally form letters directed to the U.S. Department of Labor ("DOL"), which inform DOL that a particular patient has recently deceased and that reimbursement for services rendered should in any event be processed. Typically included on these forms is the patient's name, social security number, and other patient information required for processing a reimbursement check. In addition to these form letters, Defendant Wright has kept emails exchanged with Plaintiffs' employees that identify the patients in question and include the form letters described in this Paragraph as attachments to those emails.

33. Defendant has also kept on his computer devices some records belonging to Plaintiff Four Corners Healthcare, Inc., that include protected patient information belonging to Plaintiffs. These records are admission services agreements and like the documents described in

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<sup>16</sup> See Philip J. Favro, *A New Frontier in Electronic Discovery: Preserving and Obtaining Metadata*, 13 B.U. J. SCI. & TECH. L. 1, 7-8 (2007) (describing the nature and types of metadata that can be found in, among other programs, Microsoft Word).

Paragraph 32 of this REPORT, they also include a patient's name, social security number, and related patient information required for obtaining healthcare services.

34. The emails and form letters discussed in Paragraphs 32 and 33 are, standing alone, individual patient records. However, considered collectively, these records identify several patients together with their protected patient information, all of which are clearly identified on Plaintiffs' trade secret patient lists. The Special Master accordingly RECOMMENDS that the Court order all of these documents to be erased from Defendant Wright's computers. This includes REV00000869, REV00000871, REV00003253, REV00003254, REV00003271 through REV00003277, REV00003279 through REV00003281, REV00003307, REV00003497, and REV00003498.

### **C. Evidence of Plaintiffs' Proprietary Documents**

35. There is evidence that Defendant Wright has retained in his documents proprietary information belonging to Plaintiffs, particularly MWMS and also Four Corners Healthcare, Inc. As delineated in Paragraph 18 of this REPORT, such information includes company policies and procedures, forms, manuals, written correspondence, business plans, company operating agreements, bank records, employee social security numbers, employee bank account numbers, accounts receivables, profit and loss statements, balance sheets, and other confidential and sensitive information.

36. The categories of documents identified in Paragraph 35 of this REPORT are not protected trade secrets and their disposition is beyond the purview of the Special Master's charge memorialized in the Special Master Appointment Order. Nevertheless, those documents are clearly proprietary information belonging to Plaintiffs. In the interest of facilitating a just,

speedy, and inexpensive resolution to the disposition of said documents,<sup>17</sup> the Special Master RECOMMENDS that Plaintiffs and Defendant Wright stipulate to the removal of any remaining documents belonging to Plaintiffs from Defendant Wright's documents. If the parties are agreeable to such a stipulation, the Special Master will work with the Court's technical adviser to generate a comprehensive list of such documents for erasure.

**D. Lists of Individuals that are Not Plaintiffs' Trade Secrets**

37. There are various lists of individuals within Defendant Wright's documents that may be prospective or actual customers or patients of Defendant Wright in his past or current business enterprises ("Defendant's Lists"). Defendant's Lists typically include some names from Plaintiffs' trade secret patient lists. However, the presence of Plaintiffs' patient names do not predominate. Instead, Plaintiffs' patient names typically comprise a small percentage of the overall number of names on Defendant's Lists. There are several different examples of the documents that fall within the ambit of Defendants' Lists detailed in the following paragraphs.

38. REV00000882 and REV00003411 respectively reflect a list of 29 different names, together with addresses and phone numbers for certain of the names. REV00000882, the paper version of this list, was examined by counsel and the Special Master during the September 10, 2019 hearing. Of the 29 names on that list, only one of them is also found on Plaintiffs' trade secret patient lists.

39. REV00000180 is a Microsoft Excel spreadsheet listing 87 patient names, along with protected patient information such as date of birth, social security number, and DOL identification number, along with equipment and supply information. Of these 87 patients, only eight are also found on Plaintiffs' trade secret patient lists.

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<sup>17</sup> See Fed. R. Civ. P. 1.

40. REV00000181 is a Microsoft Excel spreadsheet with monthly tabs identifying patients by month between July 2013 and January 2015. On each monthly tab during that one and one-half year period, patient names are listed, along with equipment and supplies provided to the patients, patient address information, billing amounts, and amounts paid. On the July 2013 tab, there is a total of 21 names listed. Only one of those names is on Plaintiffs' trade secret patient lists. On the January 2015 tab, there are 128 names listed, with only eight of those names on Plaintiffs' trade secret patient lists.

41. REV00003095 and REV00003096 are respectively an email from Chris Williams to Defendant Wright and a Microsoft Excel spreadsheet listing 111 names. The spreadsheet is an attachment to the Williams email. The Williams email, dated October 23, 2015, forwarded the spreadsheet of 111 names, which Williams obtained from the State of Utah's Division of Oil, Gas, and Mining. The names on the list appear to be Uranium miners, which are apparently a matter of public record. Two of the 111 names on the list are on Plaintiffs' trade secret patient lists. Documents similar to the Uranium miners spreadsheet mentioned in this Paragraph are replete throughout Defendant's Lists.<sup>18</sup>

42. In summary, there are generally very few names from Plaintiffs' trade secret patient lists identified in proportion to the overall number of patients on Defendant's Lists. Standing alone, the lists do not appear to be Plaintiffs' trade secret patient lists within the meaning of the Seizure Order. Accordingly, the Special Master RECOMMENDS that the Court not delineate for erasure any of Defendant's Lists *at this time*. Identification of these documents will enable their later examination.

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<sup>18</sup> See, e.g., REV00003145 and REV00003146.

**V. KEY ISSUES FOR CONSIDERATION BY THE COURT AND THE PARTIES**

43. While not RECOMMENDING that any of Defendant's Lists be marked for erasure at this time, the Special Master observes that this RECOMMENDATION should not preclude Plaintiffs from seeking to establish that Defendant's Lists constitute evidence relating to misappropriation of Plaintiffs' trade secret patient lists.

44. REV15523 and REV15524, which the Special Master RECOMMENDED for erasure in Paragraphs 28 and 29, merit additional consideration. While REV15524 is essentially identical to Exhibit B, its enclosure email— REV15523—is distinct from the other enclosure emails identified in Paragraph 29. The other enclosure emails all essentially originate from John Falls, who sent Exhibit B to Defendant Wright on March 28, 2012.<sup>19</sup> However, Defendant Wright sent the enclosure email bearing the number REV00015523 to Seth Clayton on July 3, 2013. Additional information may be necessary regarding Defendant Wright's action in sending Plaintiffs' trade secret patient list (Exhibit B) to Mr. Clayton, who was working for Mountain Medical Supply, a company that Defendant Wright established after terminating his relationship with Plaintiffs in March 2013.

45. The Special Master is concerned that neither Plaintiff Travis Shumway nor Defendant Wright have a clear recollection regarding the "printout of the patients of Mountain West Medical Supply," which was a significant point of contention during the September 2014 mediation between the parties.<sup>20</sup> Plaintiff Shumway, who could not recall the quality or nature of that "printout of patients" during his testimony at the September 24, 2019 evidentiary hearing, clearly indicated in his sworn joint declaration filed in support of Plaintiffs' *ex parte* seizure

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<sup>19</sup> See [docket no. 69](#), filed September 5, 2019.

<sup>20</sup> [Docket no. 32](#), filed August 26, 2019, at 11.

motion that Defendant Wright “effectively had a confidential patient list for most all of our companies’ patients.”<sup>21</sup> The parties’ lack of recollection regarding this key event spotlights the possibility (albeit remote) that Mr. Hardman, as a participant at the September 2014 mediation, could be forced to testify regarding the nature of the “printout of the patients of Mountain West Medical Supply” presented during the September 2014 mediation between the parties.

46. The Special Master is troubled by what appeared to be tactically deployed lack of recollection and answers by Defendant Wright when questioned at the September 24, 2019 evidentiary hearing about significant events that transpired within the last five years. Refreshing Mr. Wright’s recollection with examples of documents from his electronic and paper records may be necessary to determine whether Mr. Wright’s memory is indeed failing or whether his answers were tactically deployed during the hearing to avoid having to answer key questions from Plaintiffs.

47. The Special Master has considerable doubts regarding the measures MWMS undertook to protect confidential information during the time that Defendant Wright worked at the company in 2012 and 2013. While Plaintiffs offered testimony on the apparent steps they took to protect confidential patient information at MWMS, that testimony is belied by the quality, quantity, and nature of the MWMS documents remaining in Defendant Wright’s possession after he terminated his relationship with Plaintiffs in 2013. That Defendant Wright walked away from Plaintiffs in 2013 with protected patient information, employee social security numbers, employee bank account information, and proprietary business plans and policies<sup>22</sup> suggests Plaintiffs may have made little to no effort to remove these documents from Mr.

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<sup>21</sup> [Docket no. 5](#), filed August 5, 2019, at ¶46.

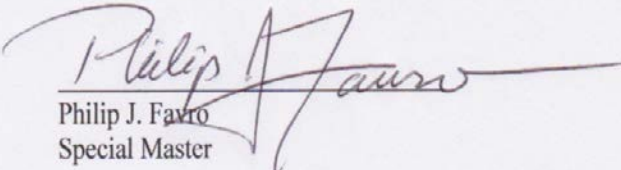
<sup>22</sup> See Paragraphs 18 and 35, *supra*.



Wright's possession. Allowing such confidential, proprietary, and sensitive information to remain in the possession of a company outsider would have been considered a significant security breach even for a company of MWMS's sophistication in 2013. The lack of effort by Plaintiffs to quarantine such information raises legitimate questions about whether plaintiffs undertook sufficient efforts to safeguard other confidential information, particularly their trade secret patient lists.

48. The Special Master has concluded that the database of information obtained from the Wrights pursuant to the Seizure Order is highly sensitive and confidential. Such information provides a mosaic of the Wrights' lives over a period of several years.<sup>23</sup> Moreover, the database is rife with attorney-client privileged communications. It is the view of the Special Master that neither Plaintiffs nor their counsel should ever be permitted access to the database of Wrights' documents. While the database could be used by the Wrights' counsel for discovery purposes, such access would have to be administered with care given the quality of information in the database, along with the extensive tagging and notes the Special Master has placed on hundreds of the documents in the database.

SIGNED this 27th day of September, 2019.

BY THE SPECIAL MASTER:  
  
Philip J. Favro  
Special Master

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<sup>23</sup> See [Riley v. California, 573 U.S. 373 \(2014\)](#) (describing the comprehensive nature of sensitive personal information found on most smartphone devices).