

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

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ANDREW L. COLBORN,

Plaintiff

v.

NETFLIX, INC., et al.,

Defendants.

Case No. 19-CV-484

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**DECLARATION OF APRIL ROCKSTEAD BARKER**

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APRIL ROCKSTEAD BARKER, under penalty of perjury, deposes and says:

1. I am one of the attorneys of record for the Plaintiff in the above-captioned matter.
2. Plaintiff conducted depositions of Netflix, Inc. witnesses on April 26, 2022 and April 29, 2022.
3. On or about April 12, 2022, I sent an email message to Leita Walker, one of the attorneys for Netflix, Inc., in which I indicated that Plaintiff anticipated producing communications between the Plaintiff and the producers of an anticipated documentary film, stating:

**With respect to the communications with Brenda Schuler and Shwan Rech, they have asked that we designate any such communications as "Confidential" pursuant to the protective order because they are in production and the communications relate to an as-yet unreleased work. If you object to such designations, please advise. Please keep in mind that you have to date refused to relinquish your own designations of all Netflix email communications as "Confidential." It may be that we will be able to reach some agreement to seek permission from the Court to file documents designated as "Confidential" under seal without the need to go through local rule procedures as to each document for purposes of later motion practice.**

4. To my understanding, Plaintiff's counsel have attempted to comply with the ESI Protocol and the Protective Order in this case to the extent possible given the forms of material produced and in light of additional practical considerations.

Dated this 17<sup>th</sup> day of May, 2022.

/s/ April Rockstead Barker

April Rockstead Barker