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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH - CENTRAL DIVISION

BAM FRANCHISING, INC., a Delaware corporation, Plaintiff, vs. DOES 1–10, Defendants.	EXPEDITED MOTION TO INTERVENE FOR THE LIMITED PURPOSE OF SEEKING A STAY AND REVIEW OF DISCOVERY ORDER (ECF 6) Case No. 2:26-cv-00895-DBB-DBP District Judge David Barlow Magistrate Judge Dustin B. Pead
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Proposed Intervenor Gregory C. Belmont ("Movant") moves under Federal Rule of Civil Procedure 24(a)(2), or alternatively Rule 24(b)(1)(B), to intervene for a limited purpose: to seek a stay and review of the Court's September 30, 2026 Order Granting Ex Parte Motion for Expedited Discovery (ECF 6), and to participate in proceedings concerning identifying discovery authorized by it. He asks the Court to:

1. Consider this motion on an expedited basis, together with Movant's separately filed motion to stay ECF 6 in part, which DUCivR 72-2(c) directs to the issuing magistrate judge;
2. Grant limited intervention for those purposes;

¹ For required paper filings, Movant uses an office mailing address where a USPS-registered commercial mail receiving agent receives his *personal* mail in care of a project name.

3. Accept Movant's proposed objections under Rule 72(a) (Exhibit A) as filed upon intervention, effective as of the date they were submitted, and excuse a separate pleading under Rule 24(c), or set a time to file one; and

4. If the Court sets a hearing, permit Movant, who resides in New York and appears pro se, to appear remotely.

The grounds are short. On September 30, 2026, on BAM's ex parte motion, the Court granted BAM leave to serve subpoenas on "third-parties, including Vercel, Inc. and Go.Daddy.com," for "subscriber information, account records, IP address logs, deployment records and any other information that might allow BAM to identify" the Doe defendants. ECF 6 at 2. The subpoenas attached to BAM's motion define their target as the operators, editors, and authors of thebammap.com, a news site the complaint describes as a recipient of disclosures, and reach records that BAM says may identify its sources. No defendant has appeared, and the order does not require notice to affected account holders or sources or provide a specific opportunity for them to seek protection before production. Movant regularly reads the site's reporting on BAM. Rule 24 permits him to be heard, and Rule 72(a) and DUCivR 72-2 provide the means to review the order before identities are disclosed.

I. RELEVANT FACTS

A. BAM's prior ex parte order and Movant's prior motion. This is not BAM's first ex parte request touching speech about it. On May 28, 2026, BAM obtained an ex parte temporary restraining order in Utah state court against a YouTube creator and others; the case was later removed to this Court. *BAM Franchising, Inc. v. Schneider*, No. 2:26-cv-00593-DBB-CMR, ECF 10, Statement of Relevant Facts ¶ 2.

Its verified complaint described a creative graphic in the creator's video this way: "An implied depiction of the threatened violence associated with the 'hard way' is an explosion at BAM's corporate headquarters." State Verified Compl. ¶ 70 (No. 00593, ECF 1-4 at 22); *see* Declaration of Gregory C. Belmont ("Decl.") ¶ 9. Here, too, BAM invokes physical safety, describing the site's report of the dates and hotel for its owners' conference as "a significant physical-security concern," ECF 3 at 4, but it identifies no specific threat and offers no declaration. (ECF 6 did not rely on that concern. ECF 6 at 1–2.)

BAM told the state court its proposed order "will not restrain lawful criticism or reporting." Pls.' Ex Parte Mot. for TRO & Prelim. Inj. at 34, *BAM Franchising, Inc. v. Schneider*, No. 260402353 (Utah 4th Jud. Dist. Ct.) (No. 00593, ECF 1-4 at 367). The order it obtained required removal of "the current Publications." TRO ¶ 5(k) (quoted in No. 00593, ECF 10 at 11). The next day, BAM sent Patreon a "Request for Immediate Content Removal Pursuant to TRO." No. 00593, ECF 10, Statement of Relevant Facts ¶ 6. On June 9, the creator announced that his finished episode was done "but I can't post it," attributing his silence to the TRO. *Id.* ¶ 4.

Movant moved to intervene in that case, before and after removal, to protect his interest in receiving that reporting. *Id.* ECF 10. The parties then stipulated to a preliminary injunction without the TRO's publication restrictions. Movant advised the Court he no longer sought intervention, "subject to renewal if any party later seeks relief that would restrain, remove, suppress, prohibit, or otherwise restrict lawful speech or receipt of speech." *Id.* ECF 24 at 2. The Court denied his motion without prejudice as moot. *Id.* ECF 26.

B. The complaint. BAM sued ten Does on September 25, 2026. It alleges, on information and belief, that "one or more of the Defendants are current or former franchisees,

employees, or other persons who obtained access to Plaintiff's Confidential Information pursuant to contractual obligations." Compl. ¶ 14. It alleges they disclosed that information to third parties, "including the operators of thebammap.com." *Id.* ¶ 67. It pleads breach of contract and trade-secret misappropriation under Utah and federal law, and prays for damages. *Id.* ¶¶ 63–97 & Prayer. The complaint is not verified.

The complaint also describes other routes to the leakers. BAM's review of its own Google Drive audit logs identified "at least one current or former franchisee as a suspected source." *Id.* ¶ 45; *see id.* ¶¶ 53–54. Google and Slack, BAM says, hold access records that "may identify" who took the documents. *Id.* ¶¶ 58–59. When BAM sent a takedown notice to the site's host, the site removed the flagged material within three days. *Id.* ¶¶ 29–30. And BAM pleads that the site told readers a source was "protected," and that a franchisee used the site's anonymous right-of-reply channel. *Id.* ¶¶ 27, 36–37.

BAM has demanded the identities of the site's sources before. On July 28, 2026, BAM wrote to thebammap.com demanding "the identities of all persons who provided or published the materials." The site declined. Decl. ¶ 5. Two months later, BAM filed this action.

C. The ex parte motion and its subpoenas. Three days later, BAM filed ECF 3 ex parte. It sought discovery "to ascertain the identity and contact information of Defendants for service of process." ECF 3 at 2. It attached no declaration. The attached subpoenas define "Website Operator" as every person who "registered, created, owned, operated, managed, administered, maintained, edited, authored content for, or otherwise controlled" thebammap.com. ECF 3, Exs. B–C, Attach. A, Defs. 1, 7. They demand the operator's identity, billing and payment records, administrative and posting IP logs, upload records, every communication with

the host, takedown records, deployment history, and every other service provider the site uses.

Id. Reqs. 1–8. They propose production for October 16, 2026, at 5:00 p.m. ECF 3 at 10, 17.

D. The September 30 order. Two days after BAM filed ECF 3, and without hearing from anyone other than BAM, the Court granted it. ECF 6. The order finds that BAM "has no other means to identify defendants, having exhausted its internal investigation methods," citing complaint ¶ 45. *Id.* at 2 & n.7. It authorizes subpoenas on "third-parties, including Vercel, Inc. and Go.Daddy.com," for "subscriber information, account records, IP address logs, deployment records and any other information that might allow BAM to identify and properly serve an amended complaint that contains the defendants' true identities and capacities." *Id.* at 2.

It does not require notice to affected account holders or sources or provide a specific opportunity for them to seek protection before production; its recipient list is open, it sets no limit by account or date, and its listed categories end in a catch-all for "any other information." *See id.* It does not address the First Amendment or reporter's privilege; no one represented them.

E. Proposed Intervenor. Movant has read thebammap.com's reporting on BAM since late June 2026, including its July 29 and September 26, 2026 reports. Decl. ¶ 5. He follows it for developments in *Schneider* litigation and in public controversies involving BAM, relies on it for primary-source documents, knows of no other source that publishes that material as frequently, and intends to keep reading it. *Id.* ¶¶ 6–7. He has no relationship with BAM, any BAM franchisee, or the site's operators, and he does not know who operates or supplies it. *Id.* ¶¶ 8, 10.

II. ARGUMENT

A. Movant may intervene as of right. Rule 24(a)(2) requires a timely motion, an interest relating to the subject of the action, possible impairment of that interest, and inadequate

representation. *Kane Cnty. v. United States*, 928 F.3d 877, 889–90 (10th Cir. 2019). The inquiry is practical, and the burden to show possible impairment is minimal. *Id.* at 891.

Timeliness. Movant seeks intervention the day after ECF 6 issued and before any production known to him. Hearing him now, on an expedited schedule confined to the identifying discovery, avoids undue delay to BAM's efforts to identify and serve defendants. *See United Nuclear Corp. v. Cranford Ins. Co.*, 905 F.2d 1424, 1427 (10th Cir. 1990).

Interest. The First Amendment protects a communication "to its source and to its recipients both." *Va. State Bd. of Pharmacy v. Va. Citizens Consumer Council, Inc.*, 425 U.S. 748, 756 (1976). The Tenth Circuit recognizes the standing of those whose access to information a court order restricts. *Journal Publ'g Co. v. Mechem*, 801 F.2d 1233, 1235–37 (10th Cir. 1986). Movant's interest relates to the transaction at the center of this action. BAM sues over disclosures it says reached thebammap.com, Compl. ¶¶ 44, 53, 67, and ECF 6 authorizes subpoenas to trace them, ECF 6 at 2; *see* Compl. ¶ 56. Movant reads reporting that disclosures produced. Decl. ¶¶ 5–7.

Impairment. The question is whether disposing of the matter "may as a practical matter impair or impede" that interest. Fed. R. Civ. P. 24(a)(2). BAM says the subpoenaed records "may identify the operator of thebammap.com website and the individuals who provided Plaintiff's Confidential Information to that website," Compl. ¶ 56, and ECF 6 now authorizes that discovery, ECF 6 at 2. BAM also alleges that those individuals relied on "the websites' anonymity protections." Compl. ¶ 55. Disclosure on those terms creates a substantial risk that the sources stop supplying the reporting Movant reads. And disclosure cannot be undone: an identity, once produced, stays produced.

Inadequate representation. No appearing party advances Movant's interest in continuing to receive this reporting. BAM seeks disclosure of the identities whose confidentiality is at issue, no defendant has appeared, and ECF 6 issued ex parte without requiring notice to the site's operators or sources or providing a specific opportunity for them to seek protection before production. The burden on this element is "minimal." *Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 538 n.10 (1972). It is met where no one represents the interest at all.

B. Movant has standing for the limited relief he seeks. Because Movant seeks a stay and protective conditions that no appearing party requests, he must show standing for that relief. *Town of Chester v. Laroe Ests., Inc.*, 581 U.S. 433, 439–40 (2017); *see Kane Cnty.*, 928 F.3d at 886–88. He does so below. Separately, and whatever the Court concludes about standing, the Court may limit discovery itself: Rule 26 requires it, "[o]n motion or on its own," to limit discovery that can be obtained from a more convenient source or that falls outside the permitted scope. Fed. R. Civ. P. 26(b)(2)(C)(i), (iii).

Injury. A threatened injury suffices when there is a "substantial risk" that it will occur. *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 158 (2014). A listener's injury is cognizable "only where the listener has a concrete, specific connection to the speaker." *Murthy v. Missouri*, 603 U.S. 43, 75 (2024). The *Murthy* plaintiffs could not tie any specific instance of content moderation to an identifiable harm to themselves as listeners. *Id.* at 74–75. Movant identifies a specific publication: one he has read regularly since June 2026, on subjects he follows, in reports he can date, and on which he relies for primary-source documents that he knows of no other source publishing as frequently. Decl. ¶¶ 5–7. His injury is the loss of that reporting, not a procedural right "in vacuo." *Summers v. Earth Island Inst.*, 555 U.S. 488, 496 (2009).

Causation. BAM's own allegations provide a concrete basis for predicting source deterrence. BAM alleges that its sources "concealed their identities by providing materials anonymously to third-party websites and by using the websites' anonymity protections." Compl. ¶ 55. It alleges that the site described a source as "protected" and received information from a franchisee through an anonymous channel. *Id.* ¶¶ 27, 36–37. And it seeks the site's records because they "may identify . . . the individuals who provided Plaintiff's Confidential Information to that website." *Id.* ¶ 56. BAM's allegations support an inference that confidentiality matters to those sources and that identifying them to BAM risks deterring further contributions to the reporting Movant receives. Standing may rest on "the predictable effect of Government action on the decisions of third parties," *Dep't of Commerce v. New York*, 588 U.S. 752, 768 (2019), and a court order compelling disclosure is such action, *see Grandbouche v. Clancy*, 825 F.2d 1463, 1466 (10th Cir. 1987). ECF 6 has already authorized the discovery directed at identifying these speakers, and BAM has declined Movant's request to secure identifying records against review or further disclosure pending judicial review. ECF 6 at 2; Decl. ¶ 13.

The alleged reliance on anonymity, the site's continuing source-based reporting, and the authorized identification process together support a substantial risk of diminished reporting to Movant. Decl. ¶¶ 5–6; *see* Compl. ¶¶ 38, 94.

In *Clapper*, the alleged injury depended in part on whether the Government would target the plaintiffs' foreign contacts and whether the Foreign Intelligence Surveillance Court would approve the Government's procedures. *Clapper v. Amnesty Int'l USA*, 568 U.S. 398, 410–14 (2013). Here, BAM has already sought and obtained authorization for discovery directed at the publication Movant reads. ECF 6 at 2; ECF 3, Exs. B–C, Attach. A, Def. 1. BAM's allegations

that the sources relied on the site's anonymity and that the records sought may identify them make it predictable that the threat of identification will likely deter further contributions. *Compl.* ¶¶ 27, 36–37, 55–56; *Dep't of Commerce*, 588 U.S. at 767–68 (rejecting the Government's reliance on *Clapper* where the evidence showed that third parties would “likely react in predictable ways”).

Movant's experience in the prior case explains his concern about losing access to reporting. That case involved a different speaker and a direct restraint, but after BAM's ex parte order there, the creator Movant followed withheld his finished episode, and reporting Movant paid to receive stopped. No. 00593, ECF 10, Statement of Relevant Facts ¶¶ 4, 6; Decl. ¶ 4.

Redressability. Requiring identifying records to remain unopened and unreviewed in counsel's custody would prevent those records from exposing sources' identities while the Court considers the requested protections. Notice and review before disclosure would permit affected speakers to assert applicable protections and the Court to limit unnecessary identification. That relief would reduce the risk that disclosure interrupts the source relationships supporting the reporting Movant receives.

C. Alternatively, the Court should permit intervention. Rule 24(b)(1)(B) permits intervention by anyone who "has a claim or defense that shares with the main action a common question of law or fact." The Tenth Circuit has approved limited intervention to challenge a protective order governing discovery. *United Nuclear*, 905 F.2d at 1427. Movant's question, whether ECF 6 should be stayed, set aside, or narrowed under the First Amendment and Rules 26, 45, and 72(a), concerns the very discovery the main action has generated. Intervention will not unduly delay or prejudice the adjudication: no defendant has appeared, and Movant asks to

be heard on one order. Fed. R. Civ. P. 24(b)(3).

Rule 24(c). Movant requests that the Court excuse a separate pleading because this motion, his declaration, and proposed objections (Exhibit A) identify his grounds, interest, and requested relief. Courts permit limited intervention of this kind to address orders governing discovery. *See Beckman Indus., Inc. v. Int'l Ins. Co.*, 966 F.2d 470, 474–75 (9th Cir. 1992). Alternatively, he requests leave to file one within a Court-set deadline.

D. The objections and the stay motion should be considered promptly. A party may object to a magistrate judge's nondispositive order "within 14 days after being served with a copy," and the district judge must "modify or set aside any part of the order that is clearly erroneous or is contrary to law." Fed. R. Civ. P. 72(a). Because Movant is not yet a party, he submits his objections with this motion and asks that they be accepted upon intervention as of the date submitted. As DUCivR 37-1(f)(2) requires for objections to discovery rulings, he requests expedited treatment. A motion to stay a magistrate judge's order is decided by the magistrate judge who issued it, DUCivR 72-2(c), so Movant has filed that motion separately. Disclosure of an identity cannot be reversed by a later ruling; prompt consideration preserves the Court's ability to grant meaningful relief.

Exhibit A explains why ECF 6 should be set aside or narrowed. Its finding that BAM has no other means rests on a paragraph describing a suspect identified from BAM's own logs and on a general exhaustion allegation that does not explain the breadth requested; its authorization reaches beyond identifying defendants and is open-ended as to recipients; it did not address the First Amendment and privilege interests no one was present to raise; it does not require notice to affected account holders or sources or provide a specific opportunity for them to seek protection

before production; and it would permit requests reaching material whose disclosure the Stored Communications Act prohibits. Ex. A § IV.

III. CONCLUSION

Movant respectfully requests expedited consideration, limited intervention without a separate pleading, acceptance of the proposed objections as filed upon intervention for decision after Plaintiff's opportunity to respond, and entry of the proposed order (Exh. C). The separately filed motion to stay ECF 6 in part is directed to the issuing magistrate judge. DUCivR 72-2(c).

DATED this 1st day of October, 2026.

Respectfully submitted,

/s/ Gregory C. Belmont
Gregory C. Belmont
Proposed Intervenor, Pro Se

CERTIFICATE OF COMPLIANCE

I, Gregory C. Belmont, certify that this motion contains 3,001 words and complies with DUCivR 7-1(a)(4).

/s/ Gregory C. Belmont
Gregory C. Belmont

INDEX OF EXHIBITS

Movant respectfully submits the following index of exhibits accompanying his Motion to Intervene:

Exhibit	Description	Source Record Reference
Exhibit A	[Proposed] Objections Under Rule 72(a) to the Discovery Order (ECF 6)	Filed Herewith
Exhibit B	Declaration of Gregory C. Belmont	Filed Herewith
Exhibit C	[Proposed] Order Granting Limited Intervention	Filed Herewith
Exhibit D	[Proposed] Interim Order Staying Discovery Order in Part	Filed Herewith

CERTIFICATE OF SERVICE

I certify that on October 2, 2026, a true and correct copy of the following documents:

1. Expedited Motion to Intervene,
2. Exhibit A: [Proposed] Objections Under Rule 72(a) to Discovery Order,
3. Exhibit B: Declaration of Gregory C. Belmont,
4. Exhibit C: [Proposed] Order Granting Limited Intervention,
5. Exhibit D: [Proposed] Interim Order Staying Discovery Order in Part, and
6. Expedited Motion to Stay Discovery Order in Part Pending Resolution of Limited Intervention and Rule 72(a) Objections, with its Exhibit A (the proposed interim order)

were emailed to the Clerk's Office at utdecf_clerk@utd.uscourts.gov for filing. Upon docketing, the Court's CM/ECF system is expected to send a notice of electronic filing to counsel of record for Plaintiff, Matthew J. Orme and Kyle K. Tucker of Dentons Durham Jones Pinegar P.C. I also emailed a copy to matt.orme@dentons.com and kyle.tucker@dentons.com as a single pdf.

/s/ Gregory C. Belmont

Gregory C. Belmont

October 2, 2026

EXHIBIT A

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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH - CENTRAL DIVISION

BAM FRANCHISING, INC., a Delaware
corporation,

Plaintiff,

vs.

DOES 1–10,

Defendants.

**[PROPOSED] INTERVENOR’S
OBJECTIONS UNDER RULE 72(a) TO
DISCOVERY ORDER (ECF 6), WITH
REQUEST FOR EXPEDITED
CONSIDERATION**

Case No. 2:26-cv-00895-DBB-DBP

District Judge David Barlow
Magistrate Judge Dustin B. Pead

RELIEF REQUESTED AND GROUNDS

Gregory C. Belmont ("Proposed Intervenor") objects under Federal Rule of Civil Procedure 72(a) to the Order Granting Ex Parte Motion for Expedited Discovery (ECF 6) and asks the District Judge to set aside the order to the extent it authorizes discovery of records identifying the operators, editors, authors, or sources of thebammapp.com, or to modify it as set out in Section V. Alternatively, he asks the Court to return the matter to the Magistrate Judge for consideration on a developed record, with the interim restrictions on review, use, and further disclosure of identifying records continuing until further order. As DUCivR 37-1(f)(2) requires, Proposed Intervenor requests expedited consideration.

The grounds are five. BAM's showing does not adequately explain the breadth and timing of the identifying discovery requested. The authorization leaves recipients open-ended and lacks specific account and date restrictions. It does not address the asserted First Amendment and confidential-source interests. It creates no specific account-holder or source-notice procedure before production. And the attached requests may reach communication contents whose disclosure the Stored Communications Act prohibits.

I. INTRODUCTION

BAM asked for discovery "to ascertain the identity and contact information of Defendants for service of process." ECF 3 at 2. The subpoenas it attached do something else. They define their target as everyone who operated, edited, or "authored content for" thebammap.com, a news site that BAM's own complaint describes as a recipient of the Does' disclosures, and they demand the site's payment records, posting logs, upload files, and correspondence with its host. ECF 3, Exs. B–C, Attach. A, Defs. 1, 7, Reqs. 1–8; Compl. ¶ 67.

The order granting that request issued two days later, ex parte, on an unverified complaint and a motion supported by no declaration. ECF 6. No one with an interest in the site or its sources was heard. These objections present the considerations the Magistrate Judge had no occasion to weigh.

II. RELEVANT FACTS

A. The complaint. BAM sued ten Does on September 25, 2026, for breach of contract and trade-secret misappropriation, and prays for damages. Compl. ¶¶ 63–97 & Prayer. It alleges that one or more of them are current or former franchisees, employees, or others who disclosed confidential information to third parties, "including the operators of thebammap.com." *Id.* ¶¶ 14,

67. It alleges that BAM's review of its own Google Drive audit logs identified "at least one current or former franchisee as a suspected source," that its investigation has "narrowed" the field, and that Google and Slack hold records that "may identify" who took the documents. *Id.* ¶¶ 45, 54, 58–59. It alleges that the site described a source as "protected," that a franchisee reached the site through its anonymous right-of-reply channel, and that BAM's sources relied on "the websites' anonymity protections." *Id.* ¶¶ 27, 36–37, 55. The complaint is not verified.

B. BAM's earlier contacts with the site. BAM has reached the site before. On July 28, 2026, it wrote to the site demanding "the identities of all persons who provided or published the materials"; the site declined. Declaration of Gregory C. Belmont ("Decl.") ¶ 5. In September, BAM sent a takedown notice to the site's host, which relayed it, and the site removed the flagged material within three days. Compl. ¶¶ 29–30. BAM also asked the host to preserve the site's records. *Id.* ¶ 34.

C. The motion and subpoenas. On September 28, BAM moved ex parte for leave to subpoena Vercel, Inc., GoDaddy.com, LLC, and unnamed others. ECF 3. The motion attached no declaration. Its proposed order would have authorized requests for "records containing the identity and contact information for the unidentifiable Doe Defendants." ECF 3-1 ¶ 2. The attached subpoenas go further. They define "Website Operator" as anyone who "registered, created, owned, operated, managed, administered, maintained, edited, authored content for, or otherwise controlled" the site, and they seek identity and payment records, access logs, upload records, all host communications, takedown files, deployment history, and every other provider the site uses. ECF 3, Exs. B–C, Attach. A, Defs. 1, 7, Reqs. 1–8.

D. The order. ECF 6 found good cause because BAM alleges harm and because "Plaintiff has no other means to identify defendants, having exhausted its internal investigation methods," citing complaint ¶ 45. ECF 6 at 2 & nn.6–7. It noted that "BAM represents" the subpoenas will assist in obtaining the necessary information. *Id.* at 2. It authorized subpoenas on "third-parties, including Vercel, Inc. and Go.Daddy.com," for "subscriber information, account records, IP address logs, deployment records and any other information that might allow BAM to identify and properly serve an amended complaint that contains the defendants' true identities and capacities." *Id.* It contains no provision for notice, objection, or preservation, and it does not address the First Amendment or any privilege.

III. STANDARD OF REVIEW AND TIMELINESS

The District Judge must "modify or set aside any part of the order that is clearly erroneous or is contrary to law." Fed. R. Civ. P. 72(a). These objections are submitted within 14 days of ECF 6, together with Proposed Intervenor's motion to intervene, and he asks that they be accepted as of the date submitted. They raise arguments not presented below because the motion was decided *ex parte*, and Proposed Intervenor submits them promptly after learning of ECF 6. Because an objection may be sustained only after the opposing party has had an opportunity to respond, DUCivR 72-2(b)(2), Proposed Intervenor asks the Court to set an expedited response deadline.

IV. OBJECTIONS

A. The showing does not justify identifying discovery of this breadth and timing.

Good cause is BAM's burden. *See* ECF 6 at 1–2. The complaint is unverified, and ECF 3 attached no declaration. The order's conclusion that the subpoenas will assist rests on what

"BAM represents." ECF 6 at 2. At least two of the four District of Utah orders BAM cited rested on declarations. *Arista Records LLC v. Does 1-19*, No. 2:07-cv-00971-TS, 2008 WL 10874285 (D. Utah Jan. 11, 2008) (unpublished) (ECF 8 at 1); *1524948 Alberta Ltd. v. John Doe 1-50*, No. 2:10-cv-00900-TS, 2010 WL 3743907 (D. Utah Sept. 23, 2010) (unpublished) (ECF 10 at 2 & n.4).

The no-other-means finding fares no better on this record. It cites complaint ¶ 45, ECF 6 at 2 n.7, which alleges that BAM's own Drive logs have already produced "at least one current or former franchisee as a suspected source." Compl. ¶ 45. Paragraph 54 adds a general allegation that BAM has exhausted the internal investigation reasonably available to it and "narrowed" the field, *id.* ¶ 54, and the complaint alleges that Google and Slack hold records that "may identify" who took the documents, *id.* ¶¶ 58–59. Nothing in the record explains the limits of that investigation, or why those sources cannot identify the alleged disclosers before the publisher and its sources are exposed. Yet ECF 3 sought subpoenas to none of them. It reached one website: the news site that removed the flagged material within three days of BAM's notice. Compl. ¶¶ 29–30. Nor does any risk of lost evidence require immediate disclosure. BAM asked Vercel to preserve these records more than two weeks before moving, *id.* ¶ 34, and its assertion that providers do not retain logs "indefinitely" names no retention period, ECF 3 at 4. A targeted preservation order would answer that risk without disclosing anything. On this record, the finding cannot support identifying discovery of this breadth. ECF 3 also invoked the site's report of the dates and hotel for BAM's owners' conference as "a significant physical-security concern." ECF 3 at 4. The order did not rely on it. BAM identified no threat or incident, offered no

declaration, and did not explain how identifying every operator, editor, author, or source would address a security concern.

B. The authorization exceeds an identification inquiry. ECF 6 permits subpoenas on "third-parties, including Vercel, Inc. and Go.Daddy.com," for listed categories "and any other information that might allow BAM to identify" the defendants. ECF 6 at 2. The recipient list is open-ended, the order specifies no accounts or date ranges, and its listed categories conclude with a broad catchall. The subpoenas BAM attached reach every editor and author of the site, all host communications, takedown files, and every other provider the site uses, ECF 3, Exs. B–C, Attach. A, Def. 7, Reqs. 4–8, which is more than even BAM's own proposed order sought, ECF 3-1 ¶ 2. Little of that identifies a franchisee except by exposing the site's sources.

The authority the order cites for identification discovery involved a defendant alleged to be the website's unlawful operator. *Volkswagen Grp. of Am., Inc. v. Doe*, No. 2:22-cv-00438, 2022 U.S. Dist. LEXIS 124268 (D. Utah July 12, 2022) (unpublished) (ECF 10 at 2) (defendant alleged to be "unlawfully operating a website designed to impersonate a VW dealer"); *see* ECF 6 at 2 n.5. BAM's authorities likewise targeted the alleged wrongdoers themselves: Doe defendants accused of infringement, with subpoenas limited to records identifying each of them, *Arista*, ECF 8 at 2–3; the owners and authors of a website sued for its own statements, *1524948 Alberta*, ECF 10 at 1–2; and the sellers accused of selling pirated copies, *Living Scriptures, Inc. v. Doe(s)*, No. 1:10-cv-00182-DB, 2010 WL 4687679, ECF 8 at 3–5 (D. Utah Nov. 10, 2010) (unpublished). Here, BAM's pleading treats the site's operators as the "unauthorized third parties" to whom the Does disclosed, not as the Does, Compl. ¶ 67, and pleads no defamation, trademark, or copyright claim, *id.* ¶¶ 63–97. Yet BAM's complaint says what the subpoenas are for: Vercel's records

"may identify the operator of thebammap.com website and the individuals who provided Plaintiff's Confidential Information to that website." *Id.* ¶ 56. Where the operator is the defendant, identifying the operator identifies the defendant. Here, without a demonstrated connection between each requested category and alleged misconduct, the discovery risks exposing a publisher and, through it, its sources. Any authorization should name each recipient and specify the accounts, categories, and periods that BAM's showing supports. Fed. R. Civ. P. 26(b)(1), (b)(2)(C).

C. The order did not apply the First Amendment balancing that compelled disclosure requires. The identifying requests warrant an assessment of the asserted protections and BAM's demonstrated need.

1. Compelled disclosure triggers scrutiny. An author's decision to remain anonymous "is an aspect of the freedom of speech protected by the First Amendment," and anonymity "is a shield from the tyranny of the majority" that protects speakers "from retaliation." *McIntyre v. Ohio Elections Comm'n*, 514 U.S. 334, 342, 357 (1995). That protection extends "fully to communications made through the medium of the internet," *Doe v. Shurtleff*, 628 F.3d 1217, 1222 (10th Cir. 2010) (upholding a disclosure requirement in light of statutory limits on the use and dissemination of the identifying information). A court order compelling disclosure is state action even between private litigants, and when the information sought implicates First Amendment interests the court must balance them against the need for disclosure before ordering it. *Grandbouche v. Clancy*, 825 F.2d 1463, 1466–67 (10th Cir. 1987). This District has quashed subpoenas seeking to identify anonymous online speakers. *Koch Indus., Inc. v. John Does 1–25*,

No. 2:10-cv-01275-DAK, 2011 WL 1775765, at *10 (D. Utah May 9, 2011) (unpublished) (ECF 26 at 17–18) (quashing subpoenas after finding the claims against the speakers deficient).

Courts in this circuit apply *Grandbouche* even when the anonymous speaker is a defendant, recognizing that "the unmasking of an anonymous party is not something that can be undone." *Farmland Partners Inc. v. Fortunae*, No. 18-cv-02351-KLM, 2020 WL 12575073, 2020 BL 556926, at *3–5, *9 (D. Colo. May 18, 2020) (unpublished). *Farmland* ordered disclosure, but it weighed that the plaintiff sought "to unmask the actual Defendants in the case, not nonparties," and it distinguished cases in which reporters protect their sources. *Id.* at *9. This case presents both. Whatever the operators' role, the subpoenas also reach editors and authors whom BAM does not accuse of anything. ECF 6 does not address these interests; no one was present to raise them.

2. Federal privilege law governs, and the affected reporters and sources should have an opportunity to establish the privilege. The governing-law question arises under Federal Rule of Evidence 501. Where evidence bears on federal and state claims resting on the same alleged misappropriation, a magistrate judge of this Court held that federal privilege law governs, noting that the Tenth Circuit has not resolved the question. *OL Private Counsel, LLC v. Olson*, No. 2:21-cv-00455-DBB, ECF 235 at 4–5 (D. Utah Dec. 19, 2023) (unpublished) (Oberg, M.J.) (citing *Motley v. Marathon Oil Co.*, 71 F.3d 1547, 1551 (10th Cir. 1995)); *see also America West Bank Members, L.C. v. Utah*, No. 2:16-cv-00326-CW-DAO, 2021 BL 352101, ECF 236 at 4–5 (D. Utah Jan. 11, 2022) (unpublished) (Oberg, M.J.) (applying federal privilege law in a federal-question case where the Tenth Circuit had not resolved which law governs evidence relevant to both federal and state claims). Under federal law, the reporter's privilege is not limited

to the institutional press, and compelled disclosure of confidential sources requires weighing the *Silkwood* factors. *Silkwood v. Kerr-McGee Corp.*, 563 F.2d 433, 436–38 (10th Cir. 1977). Courts have applied these protections to online publishers. California's Court of Appeal protected the sources of online news sites that published an unreleased product's trade secrets, under both that State's shield law and the qualified First Amendment privilege. *O'Grady v. Superior Ct.*, 139 Cal. App. 4th 1423, 1467–68 (2006). A privilege claim requires a factual showing, *In re Motor Fuel Temperature Sales Pracs. Litig.*, 641 F.3d 470, 488–90 (10th Cir. 2011), and BAM's own complaint supplies a basis for allowing that showing to be made: a "protected" source, an anonymous right-of-reply channel, and sources who relied on "the websites' anonymity protections." Compl. ¶¶ 27, 36–37, 55. Utah's rule, whose advisory committee note cites *Silkwood*, offers persuasive guidance. That note observes that the lone pamphleteer "may have modern-day counterparts on the internet." The rule lets a reporter or confidential source prevent another person from disclosing information "likely to lead directly to the disclosure of the identity" of a confidential source unless the requester proves by clear and convincing evidence that disclosure is necessary to prevent substantial injury or death, which the note explains is not limited to bodily injury. Utah R. Evid. 509(a)(2), (b) & advisory committee's note (2008). Requests 3, 4, and 7 reach records that may lead directly to a source's identity. And on timely motion, the court for the district where compliance is required must quash or modify a subpoena that requires disclosure of privileged or other protected matter, if no exception or waiver applies. Fed. R. Civ. P. 45(d)(3)(A)(iii). Those protections belong to the reporter and the source, which is why the persons entitled to assert them should have notice and an opportunity to do so before any production. Because notice to an account holder may not reach every affected source, and an

account holder's silence does not establish that a distinct source has waived a valid protection, Proposed Intervenor asks that no identifying record be produced, even if no objection is filed, without a further category-specific ruling.

3. The *Silkwood* factors weigh against disclosure on this record. Before compelling disclosure, a court weighs whether the requester has tried to obtain the information elsewhere, whether it goes to the heart of the matter, whether it is of certain relevance, and the type of controversy. *Silkwood*, 563 F.2d at 438. The question is whether each category of publisher records is necessary to identifying the alleged leakers and justified despite the interests it would expose.

i. Other sources. BAM has a suspect, a narrowed field, and Google and Slack records it has not shown to be inadequate. Compl. ¶¶ 45, 54, 58–59.

ii. Heart of the matter. The identities of the site's editors and authors are not elements of any claim BAM pleads. *Id.* ¶¶ 63–97. Identifying an actual leaker may be central to BAM's case; BAM has not shown why identifying particular editors, authors, or other publication personnel is necessary to that inquiry.

iii. Certain relevance. The site's records may identify no Doe at all. BAM alleges that the Does disclosed its information either to the site or "to third parties who then provide it to thebammap.com." *Id.* ¶ 44. That possibility underscores the need to connect each requested category to a likely path to identifying an alleged wrongdoer.

iv. Type of controversy. This is a private civil action alleging breach of contractual confidentiality obligations and misappropriation of trade secrets. BAM's Prayer expressly seeks monetary relief and generally requests other just and equitable relief. Compl., Prayer ¶¶ 1–2.

Although ¶ 84 asserts that “immediate injunctive relief is required,” BAM has not moved for an injunction as of this filing. That assertion alone does not establish a need for immediate disclosure of journalists’ or sources’ identities. The complaint itself describes the website operators as third-party recipients of the Doe defendants’ disclosures. *Id.* ¶ 67. These circumstances favor careful scrutiny before compelling disclosure of records identifying the publisher or its sources.

4. The solicitation allegation does not change the analysis. BAM alleges “the solicitation of additional leaked documents.” Compl. ¶ 94. *Bartnicki* protected the publication of truthful information on a matter of public concern by recipients who obtained it lawfully and took no part in the underlying illegality, while reserving whether its rule reaches trade secrets. *Bartnicki v. Vopper*, 532 U.S. 514, 525, 533–35 (2001). It does not resolve this case. But it holds that a source’s unlawful conduct does not by itself strip a publisher of First Amendment protection, *id.* at 535, and BAM’s allegation should be tested against the conduct actually alleged and the records actually sought, after notice to those entitled to respond. BAM chose not to sue the site, and an order authorizing discovery to identify defendants should be tailored so that it does not reach the site’s newsgathering beyond what that purpose requires.

D. The order provides no procedure for affected persons to seek protection before production. *Carroll* held that there is “no place within the area of basic freedoms guaranteed by the First Amendment” for ex parte restraining orders absent a showing that notice is impossible. *Carroll v. President & Comm’rs of Princess Anne*, 393 U.S. 175, 180 (1968). ECF 6 is a discovery order, not an injunction, but compelled disclosure of anonymous speakers and their sources raises a related concern. BAM’s only reason for proceeding ex parte was that the Does

"are unknown and therefore cannot be served with notice of this Motion." ECF 3 at 3. That explains why no Doe was served. It does not explain why the order provides no procedure through which those connected to the site could seek protection before production, when BAM has reached the site before, through its host in September and directly in July. Compl. ¶¶ 29–30; Decl. ¶ 5. Rule 45(a)(4) requires notice to the parties before a document subpoena is served, and DUCivR 45-1 delays service on the nonparty until after that notice. With no other party in the case, those protections operate for no one, and only the Court can supply them.

Three of the four District of Utah orders BAM cited built in a window to object. *Arista*, ECF 8 at 3 (fifteen days after notice for each Doe, and ten days for the provider because the motion was ex parte); *1524948 Alberta*, ECF 10 at 4 (thirty-day return date, with preservation pending any motion to quash); *Living Scriptures*, ECF 8 at 5 (twenty days to move to quash). This District has also recognized that third parties may object to production based on their own privilege, and has directed notice to an absent privilege holder, with time to assert the privilege, before its information is produced. *America West*, ECF 236 at 12 n.3, 18, 23–24. ECF 6 contains no comparable provision. Without one, identifying records may be produced before affected persons can invoke the protections that Rule 45 and the First Amendment preserve.

E. The authorization should exclude disclosures the Stored Communications Act prohibits. Requests 4 and 5 seek upload records and "[a]ll Communications between the Hosting Provider and the Website Operator." ECF 3, Exs. B–C, Attach. A, Reqs. 4–5. ECF 6's "any other information" clause would permit them. To the extent those requests reach the contents of communications held by a covered electronic-communication or remote-computing service under the statute's conditions, the Stored Communications Act bars disclosure absent a

statutory exception, and it contains no general exception for civil subpoenas. 18 U.S.C. § 2702(a)–(b); *see O’Grady*, 139 Cal. App. 4th at 1440–47 (holding that the Act barred enforcement of civil subpoenas for such contents). Whether the statute applies depends on the provider’s role and the record: upload metadata, public material, and a provider’s own correspondence may stand differently, and subscriber and other non-content records are treated differently. 18 U.S.C. § 2702(c)(6). Any modified authorization should expressly preserve the statute’s limits and exclude material whose disclosure it prohibits.

V. RELIEF REQUESTED

Proposed Intervenor asks the District Judge to set aside ECF 6 to the extent it authorizes discovery of records identifying the operators, editors, authors, or sources of thebammmap.com. Alternatively, he asks the Court to modify ECF 6 to require that any renewed request be served on Proposed Intervenor and supported by a declaration explaining BAM’s own tracing, including through its Google Drive and Slack records; require that any such subpoena name the recipient, account, categories, and date range; exclude material whose disclosure the Stored Communications Act prohibits; require delivery of the subpoena and order to the affected account holder, including through the provider, with twenty-one days to seek protection; preserve each recipient’s own objections under Rule 45; require that records be preserved meanwhile; permit affected account holders, reporters, and sources to seek protection, with production suspended while a timely application is decided, and to submit identifying information for the Court’s review only, with service of identifying material deferred pending a ruling; provide that no identifying record be produced, even if no objection is filed, without a further ruling on category-specific findings, with in camera review as needed; and limit use of any production to

this case, with restrictions on further disclosure, return or destruction after final resolution, including appeal, and counsel-only access where justified, with redacted copies to Proposed Intervenor sufficient for his participation. As a further alternative, Proposed Intervenor asks the Court to return the matter to the Magistrate Judge for consideration on a developed record, with the interim restrictions on review, use, and further disclosure of identifying records continuing until further order.

DATED this 1st day of October, 2026.

Respectfully submitted,

/s/ Gregory C. Belmont
Gregory C. Belmont
Proposed Intervenor, Pro Se

CERTIFICATE OF COMPLIANCE

I, Gregory C. Belmont, certify that these objections do not exceed fifteen pages or 4,650 words and comply with DUCivR 72-2(a).

/s/ Gregory C. Belmont
Gregory C. Belmont

EXHIBIT B

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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH - CENTRAL DIVISION

BAM FRANCHISING, INC., a Delaware
corporation,

Plaintiff,

vs.

DOES 1–10,

Defendants.

**DECLARATION OF GREGORY C.
BELMONT IN SUPPORT OF
EXPEDITED MOTIONS TO
INTERVENE AND TO STAY AND OF
PROPOSED RULE 72(a) OBJECTIONS**

Case No. 2:26-cv-00895-DBB-DBP

District Judge David Barlow
Magistrate Judge Dustin B. Pead

I, Gregory C. Belmont, declare under penalty of perjury under the laws of the United States of America, that the following is true and correct:

1. **Identity.** I am an individual over the age of 18, a resident of the State of New York, and have personal knowledge of the facts below.
2. **Purpose.** I submit this declaration in support of my motion to intervene for the limited purpose of seeking a stay and review of the Court's September 30, 2026 Order Granting Ex Parte Motion for Expedited Discovery (ECF 6), my motion to stay that order, and my proposed objections under Rule 72(a).
3. **Interest.** Since late May 2026, I have followed public reporting and commentary about a dispute involving the Plaintiff that came to my attention through a widely viewed YouTube

video. The dispute concerns consumer fairness, franchising, civil litigation, and police conduct. I also comment, privately and occasionally publicly, on legal issues of broad interest, including police conduct. A video I produced analyzing an instance of police misconduct has received more than one million views on YouTube.

4. **Prior Intervention.** In *BAM Franchising, Inc. v. Schneider*, No. 2:26-cv-00593-DBB-CMR, and its predecessor state case, I moved to intervene to protect my interest in receiving reporting restricted by an ex parte state-court order. My declaration in that case (No. 00593, ECF 10, Ex. A) describes how, the day after the order issued, BAM sent Patreon a "Request for Immediate Content Removal Pursuant to TRO," and how the defendant creator whose reporting I followed later announced that he could not post his finished episode. I paid for access to that creator's reporting on Patreon about a dispute between the Plaintiff and a customer. After the order, and until a preliminary injunction without its speech restrictions replaced it, I no longer received that reporting.
5. **Thebammap.com.** I have read thebammap.com's reporting on BAM Franchising, Inc. since late June 2026, and I visit the site frequently. I read the site's July 29, 2026 update and its September 26, 2026 update. The July 29, 2026 update reproduces a July 28 letter to the site from BAM's legal team demanding "the identities of all persons who provided or published the materials," and reports that the site declined.
6. **Unique Reporting.** I follow the site for its reporting on, among other things, BAM's communications to franchisees, store closures, franchisee disputes, criminal prosecutions of journalists, police conduct, and this and related litigation. I especially value the timeliness of its reporting, its publication of primary-source information and documents, and the unique

fact-checking grades it applies to published reports. I know of no other source that reports on or publishes this primary-source material as frequently or using such a credibility rubric.

Reports I have read on the site present internal BAM documents or information that the site attributes to sources within BAM's franchise system.

7. **Intention to Continue.** I intend to continue visiting and reading thebammap.com and follow news related to BAM by consuming publications by many YouTube content creators and others who may be subject to Plaintiff's subpoenas without further notice. Compl. ¶ 67.
8. **No Knowledge.** I do not know who operates thebammap.com or bamopsmanual.com (the "Target Websites") or who supplies them with information or documents. I have never contacted, or attempted to contact, anyone who operates or supplies them. I have never accessed any BAM system, other than visiting bricksandminifigs.com in an ordinary web browser.
9. **Video Graphic.** I watched the May 21, 2026 video described in paragraph 70 of BAM's state-court verified complaint in *BAM Franchising, Inc. v. Schneider*, No. 260402353 (Utah 4th Jud. Dist. Ct.)(No. 00593, ECF 1-4 at 22), titled "I tracked down the thief who stole \$200,000 of LEGO" (<https://youtu.be/wscQpkcwgNU>). From the 14:44 mark to the 15:00 mark, just after a face-to-face conversation in an office building hallway in which YouTube creator Ben Schneider and the CEO of BAM Franchising appear unable to resolve a disagreement over ownership of a stolen LEGO collection, the video shows, in sequence: (i) a graphic with the words "The Easy Way" appearing suspended over the same hallway; (ii) an animated cartoon explosion over those words in the same hallway location; and (iii) a graphic with the words "The Hard Way" suspended over the same location in which

destructive effects of an explosion do not appear. I understood the sequence to mean that the dispute had not been resolved amicably and that Schneider would continue reporting on the dispute using his unusual performative journalism methods which are shown in the video to include, among other non-violent methods, small claims suits, public signage, and various shame inducing methods. I did not understand it as a threat to do physical harm. The following are screenshots of this video sequence with the middle image being taken directly from State Verified Compl. ¶ 70 (No. 00593, ECF 1-4 at 22).



10. **No Relationships.** I have no business, employment, contractual, or social relationship with BAM, any BAM franchisee known to me, the operators of the Target Websites, the defendants in No. 00593, or Vercel, Inc. I am a customer of GoDaddy.com, but I have no relationship with its management or employees.
11. **Personal Interest.** I file this proposed intervention individually and pro se, not on behalf of any other person or entity. My interest in these issues predates this dispute and includes prior amicus participation on First Amendment and access-to-justice questions. The mailing address above is a commercial mail receiving agency where I receive personal mail.
12. **Timing.** I learned of this action over the weekend of September 26–27, 2026, from a thebammap.com update and a live legal-analysis broadcast on YouTube. I learned of ECF 3 on September 29 and of ECF 6 on September 30, 2026, by monitoring the docket on a public website.

13. **Request for a Voluntary Hold.** In the evening of September 30 and the afternoon of October 1, 2026, I communicated by telephone and email with Plaintiff's counsel, Kyle K. Tucker and Matthew J. Orme. I initially requested that BAM refrain from serving subpoenas and requesting, receiving, reviewing, or using identifying records through noon Mountain Time on October 2 to permit judicial review and potentially avoid emergency relief. After counsel declined, I requested that BAM secure records identifying, or likely to identify, thebammap.com's operators, editors, authors, or sources against review or further disclosure pending resolution of my intervention request and, if granted, my Rule 72(a) objections to ECF 6. Counsel stated that he saw no legal basis for BAM to agree.

14. **Service and Production.** I do not know whether any subpoena authorized by ECF 6 has been served or whether any record has been produced.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 1, 2026, at New York, New York.

/s/ Gregory C. Belmont
Gregory C. Belmont
October 1, 2026

EXHIBIT C

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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH - CENTRAL DIVISION

BAM FRANCHISING, INC., a Delaware corporation, Plaintiff, vs. DOES 1–10, Defendants.	[PROPOSED] ORDER GRANTING LIMITED INTERVENTION Case No. 2:26-cv-00895-DBB-DBP District Judge David Barlow Magistrate Judge Dustin B. Pead
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Having considered Gregory C. Belmont's Expedited Motion to Intervene, the Court ORDERS:

1. The motion is GRANTED. Belmont may intervene for the limited purpose of seeking a stay and review of the Order Granting Ex Parte Motion for Expedited Discovery (ECF 6) and participating in proceedings concerning identifying discovery authorized by it. A separate pleading under Rule 24(c) is excused.
2. Belmont's proposed objections under Rule 72(a) are accepted as filed as of the date they were submitted. The District Judge will set any response deadline and will decide the objections after Plaintiff has had an opportunity to respond. DUCivR 72-2(b)(1)–(2).
3. Belmont's separately filed motion to stay ECF 6 in part will be decided by the issuing magistrate judge. DUCivR 72-2(c).

4. Belmont may appear remotely at any hearing on these matters, subject to the Court's scheduling and connection instructions.

IT IS SO ORDERED.

Dated: _____, 2026

BY THE COURT:

Dustin B. Pead
United States Magistrate Judge

EXHIBIT D

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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH - CENTRAL DIVISION

BAM FRANCHISING, INC., a Delaware corporation, Plaintiff, vs. DOES 1–10, Defendants.	[PROPOSED] INTERIM ORDER STAYING THE DISCOVERY ORDER (ECF 6) IN PART Case No. 2:26-cv-00895-DBB-DBP District Judge David Barlow Magistrate Judge Dustin B. Pead
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On Gregory C. Belmont's motion to stay the Order Granting Ex Parte Motion for Expedited Discovery (ECF 6) in part, and for good cause shown, the Court ORDERS:

1. This Order applies to records produced under ECF 6 that identify, or are likely to identify, the operators, editors, authors, or sources of thebammapp.com ("covered records"). ECF 6 is STAYED to the extent it would permit review, use, or further disclosure of covered records while this Order remains in effect. This Order is effective upon entry. Production remains subject to applicable statutory restrictions, including 18 U.S.C. § 2702, and to objections under Rule 45; this Order governs the handling of records otherwise lawfully produced.
2. Covered records shall be delivered only to Plaintiff's counsel, who shall retain them securely, segregated from materials accessible to Plaintiff, without substantive review, use, or further

disclosure. A production responsive to a request for identifying records shall remain unopened unless the Court authorizes a screening procedure. Counsel may perform the administrative acts necessary to secure a delivery, including an unrequested electronic delivery, without examining its contents or identity-revealing metadata. Plaintiff shall ask recipients to transmit covered records inside a closed package, with neutral cover messages and file names.

3. Paragraph 2 applies to covered records received before this Order. If any covered record has already been reviewed or disclosed, counsel shall report that fact and its extent under paragraph 5 and request directions.

4. Plaintiff shall promptly send this Order to each recipient of a subpoena issued under ECF 6, in all events within one business day after entry or, for a later subpoena, with service; ask that covered records be delivered only as paragraph 2 provides, and request preservation of responsive records.

5. Within one business day, Plaintiff shall file and serve on Belmont a notice identifying each subpoena recipient, the dates of service and return, whether production has occurred, any prior review or disclosure of covered records, and any refusal to preserve or other reported risk of loss. Within one business day after any later production, Plaintiff shall report the producing entity and the date of production. No notice shall reveal protected identities or contents.

6. No covered record may be lodged with the Court except under a court-approved procedure for sealed or in camera review.

7. If intervention is granted, this Order remains in effect until the District Judge rules on Belmont's objections under Rule 72(a), subject to any restrictions imposed in that ruling. If the District Judge returns the covered discovery for further consideration, this Order continues until

further order. If intervention is denied, it expires two business days after entry of that ruling. In either case, the Court may modify or extend it. A request to modify this Order shall identify the affected records and the factual basis for relief and shall be served on Belmont.

IT IS SO ORDERED.

Dated: _____, 2026

BY THE COURT:

Dustin B. Pead
United States Magistrate Judge