

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

IN RE: )  
          )  
          )  
ITT EDUCATIONAL SERVICES, INC., *et al.*<sup>1</sup> ) Case No. 16-07207-JMC-7A  
          )  
          )  
Debtors.         ) Jointly Administered

**NOTICE TO POTENTIALLY AFFECTED INDIVIDUALS  
REGARDING TRUSTEE'S DISCLOSURE OF PROTECTED INFORMATION**

Deborah J. Caruso, the trustee (the “Trustee”) appointed in the chapter 7 cases of ITT Education Services, Inc. (“ITT”), *et al.* (together with ITT, the “Debtors”), is providing this notice to potentially affected individuals in connection with ITT’s pending bankruptcy case.

**Background**

Subsequent to ITT’s bankruptcy, various persons and entities including certain State Attorney General’s offices and representatives of a class of former students of the Debtors have indicated their desire to obtain access to documents collected by the Trustee, including student records and business records of the Debtors. Upon information and belief, they have requested such documents for purposes of any actions or administrative proceedings commenced or pursued by any of the Debtors’ former students for purposes of student claims or defenses to repayment of federal and private loans, and any actions, investigations, or exercise of regulatory authority by any governmental agencies, subject to applicable law, regulations and state and federal recordkeeping and information sharing requirements. Such information would also likely need to be shared with the respective parties’ insurers and reinsurers.

**The Proposed Protective Order**

In order to allow such persons and entities to access such documents and information, the Trustee is seeking to have a protective order entered by the Bankruptcy Court (the “Protective Order”).

Under various laws, rules and regulations regarding the use and disclosure of protected information, including education records and records containing personally identifiable information, such materials cannot be disclosed without the permission of the person to whom the information concerns, except, among other things, in compliance with a judicial order, such as the Protective Order.

The purpose of this notice is to inform you that the Protective Order would permit the Trustee to produce protected information to the requesting parties, which may contain some of

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<sup>1</sup> The debtors in these cases, along with the last four digits of their respective federal tax identification numbers are ITT Educational Services, Inc. [1311]; ESI Service Corp. [2117]; and Daniel Webster College, Inc. [5980].

your educational and financial records and related information and personally identifiable information, and to use those records and information for purposes of any actions or administrative proceedings commenced or pursued by any of the Debtors' former students for purposes of student claims or defenses to repayment of federal and private loans, and any actions, investigations, or exercise of regulatory authority by any governmental agencies, subject to applicable law, regulations and state and federal recordkeeping and information sharing requirements, and other actions relating to the Debtors' bankruptcy proceeding.

Under the Protective Order any receiving party must appropriately redact personally identifying information from those records prior to using them in a public action. Accordingly, any Protected Information shared by the Trustee with any receiving party will not be used or disclosed in any public filing or forum unless such information is redacted, thereby protecting the information from public disclosure.

### **The Bankruptcy Court Order**

The United States Bankruptcy Court for the Southern District of Indiana (the “Bankruptcy Court”) has entered an order (the “Bankruptcy Court Order”) authorizing the Trustee to (a) publish this notice on the Debtors’ case management site maintained by Rust Omni, available at <http://omnimgt.com/itt/>, and (b) serve this notice on (i) the Legal Services Center of Harvard Law School and Jenner & Block LLP, as class counsel for all individuals who were at any time enrolled in any of the programs offered by the Debtors between January 1, 2006 and the Petition Date, and (ii) Outten & Golden LLP, as interim class counsel for the WARN Act claimants. The Bankruptcy Court has determined the foregoing efforts constitute a reasonable effort to notify potentially affected individuals of the limited nature of the sharing of Protected Information.

Upon the expiration of thirty (30) days after publication of this notice, unless an objection is received by the Trustee, at the address set forth below, pursuant to the Bankruptcy Court Order, the (a) Court shall enter the proposed Protective Order requested by the Trustee, (b) the Trustee will be deemed to have complied with her and the estates’ obligations under all applicable laws, rules and regulations regarding the disclosure and production of Protected Information, and (c) the Trustee and the Debtors’ estates shall not be liable for any improper use or disclosure of any Protected Information by any receiving party or any other person or entity to whom such information is disclosed by a receiving party.

If an objection is received by the Trustee, at the address set forth below, the Trustee will notify the Court, and the Court will hold a further hearing to determine the Trustee’s authorization to agree to the proposed Protective Order on August 15, 2018 at 1:30 p.m. (prevailing Eastern time).

## **Questions and Objections**

Questions concerning this notice or the matters described herein, and objections, if any and in writing, should be directed to the Trustee (and not the Bankruptcy Court) at:

Deborah J. Caruso  
Office of Deborah J. Caruso  
135 N. Pennsylvania St  
Suite 1400  
Indianapolis, IN 46204  
Tel.: (317) 634-0300

so as to be received by **no later than August 12, 2018.**

Dated: July 12, 2018  
Indianapolis, Indiana

/s/ Jeff J. Marwil

Jeff J. Marwil  
Peter J. Young  
Jeramy D. Webb  
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—and—

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/s/ Deborah J. Caruso

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*Co-counsel to the Trustee*

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