

**UNITED STATES OF AMERICA**  
**Before the**  
**SECURITIES AND EXCHANGE COMMISSION**  
**Washington, D.C. 20549**

**ADMINISTRATIVE PROCEEDINGS RULINGS**  
**Release No. 2238/January 21, 2015**

**ADMINISTRATIVE PROCEEDING**  
**File No. 3-16033**

**In the Matter of**  
**AIRTOUCH COMMUNICATIONS, INC.,**  
**HIDEYUKI KANAKUBO, AND**  
**JEROME KAISER, CPA,**

**PROTECTIVE ORDER**  
**REGARDING AIRTOUCH**  
**HARD DRIVE**

**Respondents.**

Respondents Hideyuki Kanakubo and Jerome Kaiser have submitted an expert report from Michael Kunkel. Mr. Kunkel “manag[es] computer forensic investigations.” Kunkel Report at 1. Respondent AirTouch Communications, Inc. (“AirTouch”) provided Mr. Kunkel with an external hard drive (the “hard drive”) that had purportedly “been used as a backup for AirTouch’s network shared drive.” *Id.* at 2. The Division of Enforcement (the “Division”) seeks access to the hard drive. In my Order on Motions in Limine dated January 9, 2015, I ordered AirTouch to provide the Division with access to the hard drive in a manner consistent with the limitations imposed on Mr. Kunkel, and to file a proposed protective order which would govern the Division’s review of the hard drive. Following receipt of AirTouch’s proposed protective order, I ORDER the following:

The Division may perform whatever analysis is reasonably necessary to search the hard drive for any instances of two specific .pdf files: (1) “TM Cell – Letter of Agreement 073012.pdf”; and (2) “BRN001BA9330C\_015454.pdf”. To the extent the Division’s search

uncovers any instances of those two .pdf files, it may perform whatever analysis is reasonably necessary to recover any available information about the forensic characteristics of those specific files.

The Division may open, access, save, print out and/or retain: (1) any copies of the two .pdf files referenced above which are located on the hard drive; and (2) any information or data from the hard drive which is reasonably necessary to analyze the forensic characteristics of the two .pdf files referenced above. However, the Division may not open, access, save, print out, retain and/or examine the substantive contents of any file on the hard drive other than the files titled (1) "TM Cell – Letter of Agreement 073012.pdf"; and (2) "BRN001BA9330C\_015454.pdf".

AirTouch and/or Mr. Kunkel shall provide the hard drive to the Division for its inspection, consistent with the terms set forth in this Order, by January 30, 2015. The Division shall permit a representative designated by AirTouch to observe the Division's examination of the hard drive, and the Division shall not examine the hard drive outside the presence of that designated representative. Upon completion of the Division's examination of the hard drive, the hard drive shall be returned to AirTouch.

The information from the hard drive shall not be copied, reproduced, stored, saved, or subject to any use other than the uses permitted by this Order, except by AirTouch or with its express written authorization.

To the extent the Division seeks access to the hard drive beyond the access specifically permitted by this Order, the parties shall meet and confer in good faith to provide the Division with whatever access is reasonably necessary to inspect the hard drive in a manner consistent with Mr. Kunkel's inspection.

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James E. Grimes  
Administrative Law Judge