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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

G.P.P., INC. dba GUARDIAN
INNOVATIVE SOLUTIONS,

Plaintiff,

Case No. 1:15-cv-00321-SKO

v.

GUARDIAN PROTECTION
PRODUCTS, INC.,

Defendant.

ORDER

On June 17, 2016, the parties appeared telephonically for an informal discovery dispute conference. Dylan Liddiard, Esq., appeared on behalf of Plaintiff G.P.P., Inc. d/b/a Guardian Innovative Solutions (“GIS”), and Margaret Drugan, Esq., appeared on behalf of Defendant Guardian Protection Products, Inc. (“Guardian”).

After hearing the parties’ arguments, the Court **ORDERS** that GIS submit supplemental briefing, not exceeding 10 pages, by **June 24, 2016**, on the following issues:

1. The relevance of Guardian’s unaudited consolidated financial statement for the twelve-month period ending May 2011 (the “financial statement”) to any party’s claim or defense in the case; and
2. GIS shall: (a) identify the specific written discovery request in which it sought Guardian employee Darrin Lease’s electronically stored information (ESI), and (b)

1 set forth the basis for GIS's belief that Guardian failed to preserve Mr. Lease's ESI.
2 GIS's submission should also describe the parties' efforts to meet and confer in person, over the
3 telephone, or through video-conferencing in an attempt to resolve the dispute or, at a minimum, to
4 narrow the scope of the dispute.

5 Any response by Guardian shall not exceed 10 pages, shall be submitted by **June 29, 2016**,
6 and should address the specific issues raised by GIS in its submission, including but not limited to:

- 7 1. The basis for Guardian's withholding the financial statement, and
- 8 2. Whether or not Guardian has preserved Mr. Lease's ESI.

9 An optional reply brief by GIS of not more than 5 pages may be submitted by **July 1, 2016**.

10 The Court further ORDERS that Guardian submit supplemental briefing not exceeding 10
11 pages by **June 24, 2016**, on the following issues:

- 12 1. The preliminary facts necessary to support the exercise of attorney-client privilege
13 over the redacted portions of GUARD 00008467 and GUARD 00008554-56; and
- 14 2. Guardian shall either: (a) provide legal authority to support the parties' request that
15 the Court conduct an *in camera* review of the unredacted versions of GUARD
16 00008467 and GUARD 00008554-56, notwithstanding the California Courts'
17 instruction that such *in camera* review is neither customary nor necessary to
determine whether the attorney-client privilege applies; or (b) propose an
alternative method of resolving the parties' dispute on this issue.

18 Guardian's submission should also describe the parties' efforts to meet and confer in person, over
19 the telephone, or through video-conferencing in an attempt to resolve the dispute or, at a
20 minimum, to narrow the scope of the dispute.

21 Any response by GIS shall not exceed 10 pages, shall be submitted by **June 29, 2016**, and
22 should address the specific issues raised by Guardian in its submission. An optional reply brief
23 by Guardian of not more than 5 pages may be submitted by **July 1, 2016**.

24 The briefing is not required to be filed, and shall instead be e-mailed to
25 skoorders@caed.uscourts.gov. The parties are encouraged to submit any documents as
26 attachments to their supplemental briefing as is necessary to aid the Court in resolving the dispute.
27 Should either party wish to submit an attachment it deems confidential, the party should send the
28 attachment in a separate email to skoorders@caed.uscourts.gov, should indicate in the transmitting

1 email the basis for the confidential treatment, and should provide notice to the opposing party of
2 the submission.

3 A further telephonic discovery dispute conference to address the issues set forth above **IS**
4 **SET for July 7, 2016, at 10:00 a.m. in Courtroom 7 (SKO) before Magistrate Judge Sheila K.**
5 **Oberto.** The parties shall coordinate with each other and place one conference call to the Court at
6 559-499-5790 at the appointment time.

7
8 IT IS SO ORDERED.

9 Dated: June 20, 2016

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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