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10 [Additional counsel listed on signature page]

11 **UNITED STATES DISTRICT COURT**  
12 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

13 GALLO GLASS COMPANY,

14 Plaintiff,

15 v.

16 SPECIAL SHAPES REFRACTORY  
17 COMPANY, INC., and NIKOLAUS  
18 SORG GMBH & COMPANY KG,

19 Defendants.

20 AND RELATED CROSS-CLAIMS

Civil Case No.: 1:16-cv-01446-LJO-BAM

**JOINT STIPULATION AND ORDER  
REGARDING DISCOVERY**

District Judge Lawrence J. O’Neill  
Magistrate Judge Barbara A. McAuliffe

*Complaint Filed: September 28, 2016*  
*Trial Date: June 4, 2019*

21  
22 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff Gallo  
23 Glass Company; Defendant, Cross-Claimant, and Cross-Defendant Special Shapes  
24 Refractory Company, Inc.; and Defendant, Cross-Claimant, and Cross-Defendant  
25 Nikolaus Sorg GmbH & Company KG (collectively, the “Parties”), through their  
26 respective counsel of record, that:  
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28

1       **I.       RESOLUTION OF DISCOVERY DISPUTES**

2               The Parties hereby stipulate and agree that all discovery disputes shall be resolved  
3 in the first instance through informal telephonic conference pursuant to Paragraph 6 of  
4 Hon. Barbara A. McAuliffe’s standard Case Management Procedures. In the event of a  
5 discovery dispute, following a good faith effort to meet and confer with all parties (in  
6 voice to voice dialog; other forms of communications are not sufficient), the party  
7 contending there is a dispute (i.e., the party that would have the burden of moving the  
8 court to resolve such dispute) shall obtain available teleconference dates and times from  
9 Judge McAuliffe’s courtroom deputy, agree upon a date and time with opposing counsel,  
10 and confirm with the courtroom deputy when the parties will call in. At least forty-eight  
11 (48) hours prior to the date and time of the teleconference, the parties shall e-mail Judge  
12 McAuliffe’s chambers (*bamorders@caed.uscourts.gov*) a two-page synopsis of their  
13 dispute in a letter or memo format (no exhibits or attachments). The Parties agree to  
14 abide by the resolution determined by Judge McAuliffe at such telephonic conference. In  
15 the event Judge McAuliffe determines that a dispute cannot be resolved by such informal  
16 procedures, the Parties reserve the right to seek all formal relief provided for under the  
17 Federal Rules of Civil Procedure and the relevant Local Rules, consistent with the  
18 Court’s direction.

19               In the event this case is reassigned to another Magistrate Judge for any reason,  
20 the Parties agree to confer in good faith to agree upon substitute procedures for the  
21 resolution of discovery disputes consistent with their obligations under this agreement  
22 and such Magistrate Judge’s Case Management Procedures.

23       **II.       DOCUMENT PRODUCTION PROTOCOL**

24               The Parties hereby stipulate and agree that they will follow the following protocol  
25 for production of electronically stored information and hard-copy documents:

26               **(a)       Hard-Copy (or Paper) Documents:** Hard-copy documents shall be  
27 produced as single-page TIF image files with related searchable OCR text and  
28 bibliographic information. All images should be Bates numbered. Hard-copy documents

1 must be produced as they are kept, reflecting page breaks, document breaks, attachment  
2 relationships between documents and information about the file folders within which the  
3 document is found.

4       **(b) E-Mail and Electronic Messages:** E-mail and other electronic messages  
5 (e.g., instant messages (IMs)) shall be deduplicated and produced in single page TIF  
6 format with a Concordance load file and .txt files, with the following metadata fields: (1)  
7 BegProd - starting production Bates number; (2) EndProd - ending production Bates  
8 number; (3) BegAttach - starting attachment range; (4) EndAttach - ending attachment  
9 range; (5) Custodian - custodian; (6) Author - author of email or other message; (7)  
10 Recipient - recipient(s) of email or other message; (8) CC - copied recipient(s) of email  
11 or other message; (9) BCC - blind copy recipient(s) of email or other message; (10)  
12 Subject / File Name - subject or file name of email or other message; (11) Date Sent -  
13 date email or other message sent; (12) Time Sent - time email message sent, as measured  
14 by sender's local time; (13) DateRec - date email or other message received; (14)  
15 TimeRec - time email message received, as measured by recipient's local time; (15)  
16 CreateDate - creation date of loose electronic file; (16) CreateTime - creation time of  
17 loose electronic file; (17) ModDate - last modified date of loose electronic file; (18)  
18 ModTime - last modified time of loose electronic file; (19) ModAuthor - author who last  
19 modified or saved the document; (20) FileName - file name of loose electronic file; (21)  
20 PageCount - number of pages; (22) MD5Hash - unique document identifier; hash code;  
21 (23) Sha1Hash - hash code; (24) Confidentiality - stamp applied to footer if document is  
22 marked Confidential per the Stipulation for Protective Order and Protective Order; (25)  
23 Application Name - software used to access the native file; (26) Document Extension -  
24 operating system identifier as appearing in the native filename suffix; and (26) File Size -  
25 size of file produced. The Parties reserve the ability to request that additional metadata  
26 fields be set forth or provided for certain specified electronic documents upon review of  
27 another Party's production. The Parties reserve their respective rights to object to any  
28 such request.

1           **(c) Electronic Documents:** Electronic documents, including word-processing  
2 documents, spreadsheets, presentations, photographs, and all other electronic documents  
3 not specifically discussed elsewhere, shall be produced in native form and single-page  
4 TIF format with a Concordance load file and .txt files with the same metadata fields listed  
5 in Section (b) above where available. The Parties reserve the ability to request that  
6 additional metadata fields be set forth or provided for certain specified electronic  
7 documents upon review of another Party's production. The Parties reserve their  
8 respective rights to object to any such request.

9           **(d) Spreadsheets:** Spreadsheets shall be produced in native format (e.g., as  
10 .XLS files) with Bates numbered placeholder single-page TIF images included in the  
11 production transmittal along with related searchable text and metadata and bibliographic  
12 information as listed in Section (b) above where available.

13           **(e) Presentations:** Presentations shall be produced in full slide image format  
14 along with speaker notes, with any speaker notes following the full images of the slides  
15 (to both ease review and reduce volume and costs of production) with related searchable  
16 text and metadata and bibliographic information. Presentations shall be produced in  
17 native format (e.g., as .PPT files) and single-page TIF format with related searchable text  
18 and metadata and bibliographic information as listed in Section (b) above where  
19 available.

20           **(f) Design or Technical Documents:** Design or Technical Documents that  
21 cannot be accessed absent proprietary and/or specialized software (e.g. DWG or 3D  
22 images) shall be produced in native format and produced in single-page TIF format with  
23 related searchable text and metadata and bibliographic information as listed in Section (b)  
24 above where available.

25           **(g) Video Files:** Video files should be produced in native format with Bates  
26 numbered placeholder single-page TIF images included in the production transmittal  
27 along with related searchable text and metadata and bibliographic information as listed in  
28 Section (b) above where available.

1           **(h) Audio Files:** Audio files (e.g. voice messages, recorded phone  
2 conversations, or similar recordings) should be produced in native format with Bates  
3 numbered placeholder single-page TIF images included in the production transmittal  
4 along with related searchable text and metadata and bibliographic information as listed in  
5 Section (b) above where available.

6  
7 Dated: March 31, 2017

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16 *Attorneys for GALLO GLASS COMPANY*

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18 Dated: March 31, 2017

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1 Dated: March 31, 2017

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*Attorneys for NIKOLAUS SORG GMBH &  
COMPANY KG*

**ORDER**

The Stipulation for resolution of discovery disputes and discovery protocols is APPROVED.

IT IS SO ORDERED.

Dated: April 6, 2017

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE

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