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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

BRENNA NICHOLS,

Plaintiff,

v.

TRACTOR SUPPLY COMPANY,

Defendant.

Case No. 1:16-cv-01768-LJO-EPG

**ORDER GRANTING IN PART
MOTION TO COMPEL**

(ECF No. 24)

On June 21, 2017, Plaintiff filed a Motion to Compel bringing several discovery disputes before the Court. (ECF No. 24) A motion hearing on the motion to compel was held on July 14, 2017, wherein the Court granted, in part, and denied, in part, the motion and provided specific reasons on the record. (ECF No. 32) Formal ruling was reserved as to a final dispute as to production of electronically stored information (ESI). (*Id.*)

As directed by the Court, the parties submitted written proposals to the Court as to the appropriate scope of the required further production of ESI. (ECF Nos. 34, 36) The Court has reviewed the proposals and for reasons provided on the record at the July 14, 2017 hearing, orders as follows:

Plaintiff’s motion to compel (ECF No. 24) as to the production of ESI is GRANTED as follows:

1 1. Defendant will narrow the current review set of 4,894 documents as follows: (a)
2 eliminate all e-mails generated prior to February 1, 2013, (b) eliminate all e-mails generated after
3 October 23, 2016, (c) eliminate all e-mails which do not contain at least one of the following
4 search terms:

5 leave, absence*, Family Medical Leave Act, FMLA, California Family Rights Act,
6 CFRA, accom*, permanent, temporary, lifting, receiver, position*, doctor*,
7 appoint*, dr., restrict*, return, return to work, perform*, dut*, retal*, discrim*,
8 unfair*, terminat*

9 2. Defendant will review the resulting review set documents for (a) responsiveness to
10 one or more of Requests for Production, and (b) privilege, attorney work-product and/or
11 privacy/confidentiality issues.

12 3. Documents which are identified as responsive and neither privileged nor attorney
13 work-product must be produced by August 25, 2017.¹

14 4. Documents which are identified as responsive but either privileged or attorney
15 work product will be identified on a privilege log, which shall be provided by August 25, 2017.

16 5. By August 18, 2017, counsel for the parties shall meet and confer to resolve any
17 disputes regarding the handling of documents identified as responsive which raise
18 privacy/confidentiality issues.

19 IT IS SO ORDERED.

20 Dated: July 26, 2017

21 */s/ Eric P. Gray*
22 UNITED STATES MAGISTRATE JUDGE
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27 ¹ If Defendant will have difficulty meeting the August 25 deadline, it should petition the Court for relief as soon as
28 the difficulty becomes apparent. In any case, it should undertake a rolling production that will permit any previously-
set depositions to go forward as scheduled.