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13 Attorneys for Defendants

14 UNITED STATES DISTRICT COURT
 15 EASTERN DISTRICT OF CALIFORNIA

17 WEST PACIFIC ELECTRIC COMPANY
 18 CORPORATION,

19 Plaintiff,

20 v.

21 DRAGADOS/FLATIRON, a joint venture;
 LIBERTY MUTUAL INSURANCE
 22 COMPANY, a Massachusetts corporation;
 FIDELITY AND DEPOSIT COMPANY
 23 OF MARYLAND, a Maryland corporation;
 ZURICH AMERICAN INSURANCE
 24 COMPANY, a New York corporation;
 THE CONTINENTAL INSURANCE
 25 COMPANY, a Pennsylvania corporation;
 XL SPECIALTY INSURANCE
 26 COMPANY, a Delaware corporation; THE
 INSURANCE COMPANY OF THE
 27 STATE OF PENNSYLVANIA, a
 Pennsylvania corporation; AMERICAN
 28 HOME ASSURANCE COMPANY, a New

Case No. 1:18-CV-00166-LJO-BAM

**JOINT PROTOCOL FOR THE
 PRODUCTION OF ELECTRONICALLY
 STORED INFORMATION AND ORDER
 THEREON**

Complaint Filed: January 30, 2018
 Trial Date: Not Set

1 York corporation; NATIONAL
2 INDEMNITY COMPANY, a Nebraska
3 corporation; TRAVELERS CASUALTY
4 AND SURETY COMPANY OF
5 AMERICA, a Connecticut corporation;
6 FEDERAL INSURANCE COMPANY, an
7 Indiana corporation,

8 Defendants.

9 The following Joint Protocol for the Production of Electronically Stored
10 Information shall govern Plaintiff WEST PACIFIC ELECTRIC COMPANY,
11 CORP.'S and Defendants DRAGADOS/FLATIRON; LIBERTY MUTUAL
12 INSURANCE COMPANY; FIDELITY AND DEPOSIT COMPANY OF
13 MARYLAND; ZURICH AMERICAN INSURANCE COMPANY; THE
14 CONTINENTAL INSURANCE COMPANY; XL SPECIALTY INSURANCE
15 COMPANY; THE INSURANCE COMPANY OF THE STATE OF
16 PENNSYLVANIA; AMERICAN HOME ASSURANCE COMPANY;
17 NATIONAL INDEMNITY COMPANY; TRAVELERS CASUALTY AND
18 SURETY COMPANY OF AMERICA; and FEDERAL INSURANCE
19 COMPANY's (collectively, the "Parties," and singularly, "Party") discovery in this
20 matter. As used in this document, the term Electronically Stored Information or
21 ESI means discoverable documents and data consistent with FRCP 34(a) relevant to
22 the claim(s) or defense(s) of any Party subject to discovery pursuant to FRCP
23 26(b)(1).

24 The production of ESI shall proceed in the following manner:

- 25 1. All scanned paper, email, email attachments, and native files shall be
26 converted to single page TIFF files and Bates numbered including fully searchable
27 text.
- 28 2. Production of records shall be in load file format with data properly
mapped.
3. Color documents will be converted to TIFF in the same color that they were

1 maintained in the ordinary course of business.

2 4. Bates numbering used will be unique and consistent throughout the
3 production and any supplements and shall not be custodian based and will appear in
4 the right lower corner of all documents.

5 5. E-mail messages and attachments will be numbered consecutively and
6 produced together in a parent (e-mail) – child (attachment) fashion (i.e., email
7 followed by attachment) and kept together as one single document.

8 6. The Parties will meet and confer over the necessity of producing native
9 Excel, CSV, CAD, Database and/or schedule files on a document by document
10 basis.

11 7. Parties shall produce metadata for ESI with a **.DAT** file. Metadata data
12 fields to include, the following: BegProdNo, EndProdNo, BegProdAttach,
13 EndProdAttach, PgCount or ImageCnt, Mail to, Mail from, Mail CC, Mail BCC,
14 Date Sent, Time Sent, Email Subject or Title, Author, Filename or Title,
15 DateLastMod, Creation Date or Document Date, RecordType, DocType.
16 DocAuthor, SHA1-HASH or MD5-HASH, LOCATIONS (i.e., mail location or
17 filepath).

18 8. Parties shall produce Images in single page TIFF format with an **.LFP or**
19 **.OPT** load file.

20 9. Parties shall produce OCR or extracted text as document level Text files with
21 an **.LST** load file.

22 10. Load files shall be contained in separate folders as follows:

23 **Data**

24 **Images**

25 **Text**

26 **OCR**

27 **////**

28 **////**

1 11. DFJV will be producing project documents, except emails, by October 25,
2 2018.

3 12. DFJV’s Project emails will be reviewed for privileged/confidential
4 information and produced by November 8, 2018.

5 13. This ESI Protocol will be subject to the stipulated protective order issued in
6 the case.

7 14. This ESI Protocol will not govern the production of documents by third
8 parties pursuant to third party subpoenas.

9 15. This ESI Protocol does not prevent challenges by either Party to the
10 admissibility or trial use of documents produced under this ESI Protocol.

11 16. This ESI Protocol can only be amended by a writing signed by counsel for
12 the Parties.

13 17. The Parties agree to meet and confer in good faith over any dispute
14 involving ESI produced under this ESI Protocol.

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16 Dated: October 23, 2018

MURPHY AUSTIN ADAMS SCHOENFELD LLP

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By /s/ Lisa D. Nicolls

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D. MICHAEL SCHOENFELD

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LISA D. NICOLLS

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Attorneys for Plaintiff

WEST PACIFIC ELECTRIC COMPANY
CORPORATION

22

Dated: October 23, 2018

FINCH, THORNTON & BAIRD, LLP

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By /s/ David W. Smiley

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P. RANDOLPH FINCH, JR.

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DAVID W. SMILEY

Attorneys for Defendants

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ORDER

The stipulated joint protocol for the production of electronically stored information is
HEREBY APPROVED pursuant to Federal Rule of Civil Procedure 34(b)(2)(E).

IT IS SO ORDERED.

Dated: October 31, 2018

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE