

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA EARTHQUAKE
AUTHORITY,

Plaintiff,

No. CIV S-10-291 MCE GGH

v.

METROPOLITAN WEST
SECURITIES, LLC et al.,

Defendants.

ORDER

Presently before the court is plaintiff California Earthquake Authority's ("CEA") motion to compel production of documents, which was originally filed on February 17, 2012 and, after a joint request to continue the hearing, came on for hearing on April 26, 2012. (Dkt. Nos. 41, 44, 45.) The parties filed a joint statement regarding their discovery agreement pursuant to E.D. Cal. L.R. 251, with accompanying declarations, on April 19, 2012. (Dkt. Nos. 47-49.)

At the hearing, Michael Strumwasser and Patricia Pei appeared on behalf of CEA, and Jesse Miller and Christopher Foster appeared on behalf of defendants Metropolitan West Securities, LLC ("MetWest") and Wachovia Bank, National Association ("Wachovia Bank") (collectively, "Wachovia").¹ After considering the parties' joint statement and conferring with

¹ Wachovia has actually been acquired by Wells Fargo.

1 counsel on the record at the hearing, the court finds it appropriate to issue an interim order
2 granting CEA's motion in part, setting appropriate deadlines for document production and a Rule
3 30(b)(6) deposition of Wachovia's custodian of records, and scheduling a further discovery
4 conference to determine whether additional relief is warranted in light of facts revealed by the
5 document production and Rule 30(b)(6) deposition.

6 For the foregoing reasons, IT IS HEREBY ORDERED THAT:

7 1. CEA's motion to compel (dkt. no. 41) is granted in part along the terms
8 outlined in this order.

9 2. Wachovia shall make its first good faith production of electronically stored
10 information ("ESI") responsive to CEA's requests for production of documents, pursuant to the
11 ESI protocol agreed upon by the parties, no later than April 30, 2012.

12 3. No later than April 30, 2012, Wachovia shall also provide CEA with a
13 description of its search methodology utilized to compile the above-mentioned document
14 production, including a description of the custodians and document repositories searched; the
15 specific search terms utilized; and what custodians and document repositories remain left to be
16 searched in order to complete the production.

17 4. Wachovia shall produce its custodian of records pursuant to Fed. R. Civ. P.
18 30(b)(6) for deposition in California during the week of June 4, 2012, on a date to be mutually
19 agreed upon by the parties.

20 5. A further discovery conference in this matter is scheduled for June 14, 2012 at
21 1:30 p.m. in Courtroom 9 before the undersigned. The parties shall file a joint statement
22 regarding issues to be addressed at the discovery conference no later than June 11, 2012. If the

23 \\\

24 \\\

25 \\\

26 \\\

1 parties have resolved all discovery issues, the parties may file a request to take the discovery
2 conference off calendar.

3 DATED: April 27, 2012

4 /s/ Gregory G. Hollows
5 UNITED STATES MAGISTRATE JUDGE

6
7
8 GGH/wvr
9 CEA.291.mtc.wpd

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26