UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

COPART, INC., Plaintiff, v. SPARTA CONSULTING, INC., Defendant.	No. 2:14-cv-0046 KJM CKD ORDER

Pending before the court is defendant's motion to compel further production of documents. The matter was submitted on the papers. ECF No. 100. Upon review of the documents in support and opposition, and good cause appearing therefor, THE COURT FINDS AND ORDERS AS FOLLOWS:

1. Considering the factors regarding proportionality under Federal Rule of Civil Procedure 26(b)(1), the motion to compel (ECF Nos. 77, 95) is granted in part.

2. No later than May 2, 2016, plaintiff shall produce high-level financial documents maintained by the "Financial Planning & Analysis" department, if any, as referenced in the Joint Statement. ECF. No. 104 at p. 8; Joint Statement at 7:24-27.

3. No later than May 2, 2016, plaintiff shall produce DAPTIV data regarding AIMOS and related projects through May 29, 2014.

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4. No later than May 2, 2016, plaintiff shall provide tape-to-tape copies of the AIMOS backup tapes. Costs of production shall be shared equally by the parties.

5. No later than May 2, 2016, plaintiff shall produce CAS log information through May 29, 2014.

6. The motion to compel to further production of documents to Defendant's Fourth Set of Requests for Production, Request No. 1 is denied.[1]

7. In the circumstances of this case, the court finds that an order requiring plaintiff to identify responsive documents by Bates ranges and to identify search terms employed in searching for responsive documents is not warranted.

Dated: April 20, 2016

CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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[1] The court notes that the notice of motion (ECF No. 95) moves to compel further production only to defendant's First, Second and Third Sets of Requests for Production. Because the merits have been briefed by the parties, the court has resolved the matter on the merits. Particularly with respect to this request, the proportionality factors weigh heavily in favor of plaintiff.