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 9 Trustee, and DONALD P. STEINMEYER

10 UNITED STATES DISTRICT COURT

11 EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION

12 KAREN RIGSBY, Trustee of the)
 13 MARSH REVOCABLE TRUST OF)
 14 2003, and DONALD P. STEINMEYER,)
 15 an individual,)

16 Plaintiffs,)

17 vs.)

18 INTERCARE SPECIALITY RISK)
 19 INSURANCE SERVICES, INC., et al.)

20 Defendants.)

21 _____)
 22 and RELATED COUNTERCLAIM)
 _____)

Case No. 2:17-cv-01347-MCE-EFB

**JOINT REPORT OF THE PARTIES
 OUTLINING DISCOVERY PLAN;
 ORDER THEREON**

[Fed.R.Civ.P. 26(f)(2)]

23 The parties in this action have conferred regarding the subjects of Federal Rule of
 24 Civil Procedure 26, as follows. Counsel for Plaintiffs Karen Rigsby, Trustee of the
 25 Marsh Revocable Trust of 2003, and Donald P. Steinmeyer (hereafter, “Plaintiffs”), and

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1 counsel for Defendant Patriot National, Inc. conferred on August 30, 2017. Counsel for
2 Plaintiffs and counsel for Defendants Intercare Specialty Risk Insurance Services, Inc.,
3 ISR Holdings, Inc., and Kevin Hamm conferred on October 4, 2017. As a result of the
4 foregoing conferences, the following outline of a discovery plan was agreed.

5 **A. Disclosures Under Fed.R.Civ.P. 26(a)**

6 The parties will each make their respective Rule 26(a) disclosures to all other
7 parties by the date thirty (30) days following the submittal of this Joint Report. Produced
8 documents will be Bates numbered, to the extent practicable, for ease of identifying the
9 producing party.

10 **B. Sequence and Subjects of Discovery**

11 Discovery may proceed as stated herein regarding any nonprivileged matter that is
12 relevant to any party's claims or defenses and proportional to the needs of the case,
13 considering the importance of the issues at stake in the action, the amount in controversy,
14 the parties' relative access to relevant information, the parties' resources, the importance
15 of the discovery in resolving the issues, and whether the burden or expense of the
16 proposed discovery outweighs its likely benefit. Information within this scope of
17 discovery need not be admissible in evidence in order to be discoverable.

18 **1. Written Discovery.**

19 Interrogatories to parties may be propounded pursuant to Fed.R.Civ.P. 33 by any
20 party, effective upon the submittal of this Joint Report. The limit on the number of
21 interrogatories specified in Fed.R.Civ.P. 33(a)(1) shall apply. Leave to serve additional
22 interrogatories may be granted by the Court for good cause shown. The parties shall

1 meet and confer in good faith concerning any request for leave to propound additional
2 interrogatories prior to any motion for leave of Court.

3 Requests for admissions to parties may be propounded pursuant to Fed.R.Civ.P. 36
4 by any party, effective upon the submittal of this Joint Report. Requests for admissions
5 shall be limited to thirty (30) by any one party to any other party. Leave to propound
6 additional requests for admissions may be granted by the Court for good cause shown.
7 The parties shall meet and confer in good faith concerning any request for leave to
8 propound additional requests for admissions prior to any motion for leave of Court.

9 Requests for production of documents, electronically stored information, and
10 tangible things to parties may be propounded pursuant to Fed.R.Civ.P. 34 by any party,
11 after the time for each party's initial Rule 26(a) disclosures specified in this Joint Report.
12 Additionally, as provided in Fed.R.Civ.P. 34(c) and Fed.R.Civ.P. 45, a nonparty may be
13 compelled to produce documents and tangible things, after the time for each party's
14 initial Rule 26(a) disclosures specified in this Joint Report. Leave to propound additional
15 requests for admissions may be granted by the Court for good cause shown. The parties
16 shall meet and confer in good faith concerning any request for leave to propound
17 additional requests for admissions prior to any motion for leave of Court.

18 **2. Depositions.**

19 Depositions by oral examination may be taken pursuant to Fed.R.Civ.P. 30 during
20 any of the following time periods: (1) between February 1, 2018 and May 4, 2018; and
21 (2) between Aug. 13, 2018 and Aug. 31, 2018. Leave of court shall be required to take
22 depositions under the circumstances listed in Fed.R.Civ.P. 30(a)(2). The deponent's

1 attendance may be compelled by subpoena under Rule 45. The parties shall meet and
2 confer in good faith concerning any request for leave to take depositions, if such leave is
3 required.

4 Depositions by written questions may be taken pursuant to Fed.R.Civ.P. 31 at any
5 time between February 1, 2018 and Aug. 31, 2018. Leave of court shall be required to
6 take depositions under the circumstances listed in Fed.R.Civ.P. 31(a)(2). The deponent's
7 attendance may be compelled by subpoena under Rule 45. The parties shall meet and
8 confer in good faith concerning any request for leave to take depositions, if such leave is
9 required.

10 **C. Electronically Stored Information**

11 Electronically Stored Information ("ESI") that is within the scope of discovery as
12 identified in this Joint Report will be produced, unless it would need to be produced from
13 sources that are not reasonably accessible because of undue burden or cost. The parties
14 will produce ESI in digital format, including: (i) Bates labeled images, either in single-
15 page TIFF image format, 300 dots per inch, or multi-page PDF format; (ii) corresponding
16 metadata for each separate record; (iii) extracted text or OCR text for each document
17 containing text; (iv) load files for all images, metadata and extracted text provided. Files
18 that require viewing in their native format for a full understanding of their content, such
19 as spreadsheets, presentations, database files, and any other file types that reasonably
20 require viewing in their native format for a full understanding of their content, shall be
21 produced in their native format along with a placeholder image containing the assigned
22 bates number of the native file. In the event documents are produced in a format that is

1 unusual, rare and/or proprietary, the parties will meet and confer in good faith concerning
2 making available to other parties any software that may be necessary to view the
3 documents in their native format.

4 The parties shall meet and confer in good faith concerning any issues of
5 reasonable accessibility or undue cost in connection with ESI.

6 **D. Privilege, Confidentiality and Protective Orders**

7 **1. Privilege**

8 Privileged documents that are inadvertently produced by any party shall be
9 promptly returned to that party, with any copies destroyed, if the party makes a written
10 claim of privilege accompanied by a request for such return and destruction with
11 reasonable promptness after discovering the inadvertent production. Any unresolved
12 disputes over whether or not produced documents are privileged, and/or, over whether a
13 knowing waiver of the privilege has occurred, shall be resolved by the Court prior to any
14 further use of the document for purposes of testimony or evidence.

15 **2. Confidentiality**

16 The parties have agreed to enter into the Stipulation and [Proposed] Protective
17 Order attached as Exhibit A to this Joint Report.

18 **E. Changes to Limitations on Discovery**

19 As discussed herein, the parties have agreed to abide by the limitations on
20 discovery arising from the current version of the Federal Rules of Civil Procedure, unless
21 there is good cause for modifying these limitations. The parties have further agreed to
22 meet and confer in good faith prior to presenting any request to modify the limitations of
the Federal Rules of Civil Procedure to the court.

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LAW OFFICE OF DEWEY V.
HARPAINTER

/s Dewey V. Harpainter

By:

Dewey V. Harpainter

Attorneys for Defendant KEVIN HAMM

Dated: October 18, 2017

CONRAD & SCHERER LLP

/s Russell R. O'Brien

By:

Russell R. O'Brien

Attorneys for Defendant PATRIOT
NATIONAL, INC.

Dated: October 18, 2017

WANGER JONES HELSLEY PC

/s Oliver W. Wanger

By:

Oliver W. Wanger

Attorneys for Defendant PATRIOT
NATIONAL, INC.

By the Court:

Good cause appearing, IT IS SO ORDERED.

Dated: November 8, 2017



MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE