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12 Attorneys for Defendant
13 UPS GROUND FREIGHT, INC., erroneously named as
14 UNITED PARCEL SERVICE, INC.

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

17 TYRONE DOUTHERD,
18 Plaintiff,
19 v.
20 DORIS MARIE MONTESDEOCA,
Estate of LUCILLE J. SMITH, deceased,
21 UNITED PARCEL SERVICE, INC.,
LIBERTY MUTUAL INSURANCE
22 COMPANY, and DOES 1-30,
23 Defendants

Case No.: 2:17-cv-02225-MCE-EFB
**[PROPOSED] ORDER DIRECTING
THE PRODUCTION OF PLAINTIFF
TYRONE DOUTHERD'S CELL
PHONE RECORDS**
Complaint Filed: August 25, 2017
Judge: Hon. Morrison C. England
Magistrate Judge: Hon. Edmund F. Brennan

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**[PROPOSED] ORDER DIRECTING THE PRODUCTION OF PLAINTIFF
TYRONE DOUTHERD'S CELL PHONE RECORDS**

1 Having considered all arguments regarding Plaintiff’s Motion To Quash
2 Defendant UPS Ground Freight, Inc.’s Subpoena to Cingular Wireless, the Court
3 hereby orders as follows:

4 The Motion is hereby DENIED.

5 The Court issues the following ORDER:

- 6 • Cingular Wireless shall produce records showing the call history for both
7 incoming and outgoing calls from Plaintiff Tyrone Doutherd’s cell phone
8 from August 27, 2015 to August 27, 2017;
- 9 • Plaintiff shall provide any necessary authorization to Cingular Wireless for
10 the release of such records;
- 11 • Cingular Wireless first shall produce the records to Plaintiff’s counsel, Ellen
12 Dove at 5325 Elkhorn Blvd., #160, Sacramento, CA 95842;
- 13 • Plaintiff’s counsel shall have the opportunity to redact the telephone
14 numbers that invade the privacy rights of individual non-parties or violate
15 the attorney-client privilege, and produce the redacted records to Defendant
16 UPS Ground Freight, Inc. (“UPSF”) within seven days after receipt from
17 Cingular Wireless;
- 18 • On the same date as Plaintiff’s counsel produces the redacted records,
19 Plaintiff’s counsel shall provide a privilege log identifying each redaction by
20 the date and time listed on the records and providing the basis for each
21 redaction with sufficient information to allow Defendant to evaluate whether
22 the redaction was appropriate;
- 23 • UPSF shall have 7 days to contact Plaintiff’s counsel with any issues or
24 questions with regard to the redacted records, Plaintiff’s counsel shall
25 respond within 7 days;
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- Thereafter, if UPSF is unsatisfied with Plaintiff’s response to its questions or challenges, it shall have 7 days from the date of Plaintiff’s response to raise with the Court any challenge to Plaintiff’s redactions;
- This Order does not compel the production of any text messages, attachments or photographs, Defendant having previously withdrawn that request;
- Other than the timing specified above, the parties shall not be limited by the fact discovery cut-off in filing a subsequent motion pertaining to Plaintiff cell phone records.

IT IS SO ORDERED.

Dated: December 11, 2018


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

Approved as to form:

/s/ Karen Jennings Evans
Karen Jennings Evans
Hunton Andrews Kurth
Attorneys for Defendant UPSF

/s/ Ellen Dove
Ellen Dove
Attorney for Plaintiff