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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHRIS CHAVEZ,

No. C-06-6609 VRW (EMC)

Plaintiff,

ORDER RE DISCOVERY DISPUTES

v.

BLUE SKY NATURAL BEVERAGE CO., *et al.*,

(Docket Nos. 170, 174, 226)

Defendants.

_____ /

The Court held a hearing on January 25, 2011 in regard to the parties' Joint Report re Plaintiffs' Motion for Discovery Sanctions. Good cause appearing therefor and for the reasons stated on the record, the Court ordered as follows:

1. Backup Tapes

Defendants will gather all backup tapes (including the tub of tapes containing roughly 16 tapes) and provide to Plaintiff: (1) a physical inventory (including description and contents of any labeling) and (2) header scan inventory of each tape. Defendants will also provide a declaration describing with specificity its effort to find all backup tapes for emails which were the subject of Plaintiff's RFP. Defendants will search the tapes found to have backup information within the relevant time period based on the custodians and search terms agreed to by the parties (per meet and confer described below). The parties (and their experts) are directed to meet and confer through this process to resolve and clarify any disputes. Defendants will bear the initial cost of this production.

United States District Court
For the Northern District of California

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2. Central Server

Defendants will search the central file server for searchable documents (non-email documents, such as spreadsheets, word processed documents, searchable pdfs, etc.) based on the custodian and search list agreed to by the parties. Again the parties are directed to meet and confer along with their experts through this process. Plaintiff will bear the initial cost of this production (excluding attorney time).

3. Local Hard Drives

Defendants will search the local hard drives of additional custodians as agreed upon by the parties using the agreed upon search terms. The search will include archive emails as well as searchable documents. Defendants will bear the initial cost of this production.

4. Symantec Vault Data

Defendants will conduct a further search of the Vault using the agreed upon additional custodians and search terms.

5. Meet and Confer

The parties shall meet and confer and agree upon the list of additional custodians and new search terms, keeping in mind proportionality requirements of Rule 26(b)(2). The parties shall also agree on a time line for each phase of the additional discovery ordered herein. The parties shall report by filing a joint letter no later than January 28, 2011.

IT IS SO ORDERED.

Dated: January 26, 2011



EDWARD M. CHEN
United States Magistrate Judge