Reeves & Associates, PLC v. Muller

Doc. 75

The hearing on Plaintiff Reeves & Associates' Motion To Enforce The Court's February 14, 2013 Order And October 14, 2011 Stipulated Order Granting Injunctive Relief And Protective Order (the "Motion") was set to come before the Court on June 6, 2013, in Courtroom 8, the Honorable William H. Alsup presiding. Prior to the hearing, Plaintiff Reeves & Associates, PLC and Defendant Matthew D. Muller ("Defendant"), by and through their counsel, reached the following Stipulation, which Stipulation obviates the need for (1) the Court to rule on Plaintiff's pending motion, (2) the June 6, 2013 hearing to occur, and (3) Plaintiff to file its reply pleadings and evidence regarding Plaintiff's pending motion.

## **STIPULATION**

- 1. Precision Discovery is authorized to separate and copy all R&A firm data on Defendant's drives "in the manner it determines to be most efficient," within the "general guidelines" of the Stipulated Order Granting Injunctive Relief and Protective Order dated October 14, 2011, starting with creating and sharing a listing of the following file data for all files contained on the drives at issue (whether or not contained in compressed or archived files):
  - a. For all files, information contained in the following fields: 1. File name (including path -- such as C:\windows/...etc-- and extension) 2. File size;
    3. Created date; 4. Modified date; 5. Access date 6. Last written date, and 7. Description
  - For emails, the additional information contained in the following fields:
     To, From, CC, BCC, Date sent, Subject, and (if any attachments)
     Attachment name.
- 2. Defendant must not do anything to impede Precision Discovery from carrying out the terms of the Stipulated Order. If Defendant hinders or otherwise attempts to obstruct

1	Precision Discovery's tasks as set forth above in Paragraph 1 or as directed by the Stipulated				
2	Order, Defendant shall pay Plaintiff's reasonable attorneys' fees for its efforts from the date				
3	of this Order forward to enforce the Stipulated Order and this Order.				
4					
5	3.	Each	side shall bear his	or its own attorney's fees and costs incurred in	
6	pursuing and defending the instant Motion to Enforce, and including the obtaining of this				
7	Stipulated Order.				
8					
9	4.	More	over, as R&A has agre	eed to do,	
10					
11		a.	R&A shall not use o	r reveal to anyone any file that is unrelated to R&A	
12			and particularly files	pertaining to clients of Defendant or prior employers	
13			of Defendant that a	are unrelated to his employment at R&A, or any	
14			information regarding	g any such file; and	
15					
16		b.	If R&A ever knowing	gly comes into possession of any files that are no	
17			connected to R&A, it	s clients or current or former personnel, it will delete	
18			those files.		
19					
20	Dated: May	30, 20	13	MILLER LAW GROUP A Professional Corporation	
21				A i Tolessional Corporation	
22				By:/s/	
23				Kerry McInerney Freeman	
24				Attorneys for Plaintiff REEVES & ASSOCIATES, PLC	
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1	Dated: May 30, 2013	LAW OFFICES OF JAMES M. BRADEN			
2					
3		By:/s/			
4		James M. Braden Attorneys for Defendant			
5		MATTHEW D. MULLER			
6					
7					
8	ORD	<u>RDER</u>			
9					
10	Having reviewed the Stipulation e	executed by Plaintiff REEVES & ASSOCIATES			
11	PLC and Defendant MATTHEW D. MULLER,	and good cause appearing, the Court hereby			
12	orders that the terms of the Stipulation shall become the Order of this Court.  The Court will retain jurisdiction to enforce this order only through May 31, 2014  After that date, the parties must seek any relief in state court.				
13					
14					
15	IT IS SO ORDERED.	DICER			
16		ATES DISTRICT			
17	Dated: May 31_, 2013				
18		Honora			
19		United S  Judge William Alsup			
20	4814-3808-6420, v. 4	Judge William Alsup			
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