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 15 TRAINING, REHABILITATION &  
 DEVELOPMENT INSTITUTE, INC.

18 UNITED STATES DISTRICT COURT  
 19 NORTHERN DISTRICT OF CALIFORNIA

20 FCE BENEFIT ADMINISTRATORS, INC.,  
 21 Plaintiff,  
 22 vs.  
 23 TRAINING, REHABILITATION &  
 24 DEVELOPMENT INSTITUTE, INC., and DOES  
 1 through 10 inclusive,  
 25 Defendants.

NO. 3:15-CV-01160-JST  
**~~PROPOSED~~ ORDER RE: JOINT  
 STATUS REPORT**  
 Hon. Jon S. Tigar  
 Complaint filed: January 30, 2015  
 Removal: March 11, 2015

1 Having considered the Joint Status Report submitted by Plaintiff FCE Benefit  
2 Administrators, Inc. (“FCE”) and Defendant Training, Rehabilitation & Development Institute,  
3 Inc. (“TRDI”) and good cause appearing, this Court sets the following deadlines:

4 A. Rule 26 Disclosure: The Parties shall exchange Rule 26 Initial Disclosures by  
5 January 29, 2016. Pursuant to Rule 26(a)(1)(ii), on January 29, 2016, the parties will exchange  
6 initial disclosures, including both a description by category and location of relevant documents  
7 which support each party’s claims or defenses (unless their use would be solely for  
8 impeachment), as well as copies in hard and/or PDF formats of documents identified in the initial  
9 disclosures to the extent such documents are in each party’s possession. However, FCE need not  
10 re-produce additional copies of the documents Bates Numbered FCE000001 through FCE004200  
11 which it previously produced to TRDI. Additionally, disclosure of Electronically Stored  
12 Information (“ESI”), particularly in its native format, shall not be required until the Court issues  
13 an Order in response to a discovery plan submitted by the parties.

14 B. Global Case Management Plan and Discovery Plan: The Parties shall jointly  
15 submit a global case management plan for the instant federal court action and the related state  
16 court action by January 29, 2016. The global case management plan shall be accompanied by a  
17 joint discovery plan under Rule 26(f)(2). Any discovery responses which would otherwise be due  
18 prior to that date shall instead be due no later than February 29, 2016. The joint discovery plan  
19 shall address and/or propose a resolution for the following discovery issues:

20 1. Scope of anticipated discovery, including identification of potentially responsive  
21 documents and the scope of e-discovery searches, including but not limited, where applicable, to  
22 proposed search terms (including specific words or phrases, and the names of custodians for  
23 whom ESI will be searched), the time frame(s) to be searched (including the ranges for creation  
24 or receipt dates), ESI that the parties will presume is not reasonably accessible, and sources of  
25 ESI that the parties agree are less likely to contain discoverable information from which  
26 discovery will be postponed or avoided;

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1           2. The manner and format in which ESI will be produced, including the extent, if any, to  
2 which metadata will be produced;

3           3. How to deal with the parties' outstanding written discovery requests, which include:  
4 FCE's special interrogatories and requests for production to TRDI in the state court action (set 2);  
5 FCE's interrogatories and requests for production to TRDI in the federal court action (set 1); and  
6 TDI's special interrogatories and requests for production to FCE in the state court action (set 1).  
7 The parties may choose to agree to withdraw and re-issue new requests in light of the information  
8 obtained at mediation and in the initial disclosures and/or meet and confer to narrow the scope of  
9 the requests;

10           3. Dual use of discovery (i.e., whether discovery obtained in the federal action and in the  
11 superior court action may be used in the other without limiting the number of discovery requests  
12 that may be served in each action);

13           4. A phased discovery plan (particularly for ESI), including resolution to the extent  
14 possible of the parties' previously exchanged priority discovery proposals; and

15           5. The timing, location, and sequencing of depositions, including Rule 30(b)(6) Person  
16 Most Qualified corporate depositions, including: (a) documents that the corporate designee is  
17 requested to produce at such deposition; (b) whether the corporate designee may be deposed in  
18 his or her individual capacity concurrent with the corporate deposition; (c) to the extent it is the  
19 same individual, whether the corporate designee's deposition shall proceed back to back for the  
20 federal and state matter, while avoiding unnecessary repetition and duplication of questioning;  
21 and (d) the proposed timing for depositions.

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23 **IT IS SO ORDERED.**  
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DATED: November 18, 2015

  
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HONORABLE JON S. TIGAR  
UNITED STATES DISTRICT JUDGE