UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CENTURY ALUMINUM COMPANY, a Delaware Corporation; NORDURAL EHF, an Icelandic Corporation,

Plaintiff,

v.

AGCS MARINE INSURANCE CO., an Illinois Corporation,

Defendant.

Case No. CV-11-2514-YGR

ORDER REGARDING AGCS MARINE INSURANCE CO.'S MOTION FOR RELIEF FROM NONDISPOSITIVE PRETRIAL ORDER OF MAGISTRATE JUDGE

Defendant AGCS Marine Insurance Company ("AGCS") submitted a Motion objecting to section 2(2) and section 3 of the February 8, 2012 Order of Magistrate Judge Cousins regarding "Other Insured/Other Claim" discovery. Dkt. No. 72. Having considered the papers filed in support of and in opposition to the motion, and good cause appearing:

IT IS HEREBY ORDERED that, pursuant to Federal Rule of Civil Procedure 72 and Civil L.R. 72-2, the Motion is DENIED without prejudice, as follows:

1. AGCS' objection on relevance grounds is OVERRULED.

2. AGCS' objection on confidentiality grounds is OVERRULED. The relevant files of "other insureds" shall be produced subject to a Protective Order entered in this case. If appropriate, they may be marked "Confidential" and non-relevant, confidential information may

be redacted. A redaction log describing of the nature of all such redactions shall be provided. AGCS shall provide notice to the other AGCS or Allianz insureds regarding this Court's Order to produce such documents and advise of the protection afforded by the Protective Order and by the further redaction of non-relevant but confidential information.

3. AGCS' objection on undue burden grounds is OVERRULED without prejudice. The parties shall further meet and confer about the relevant categories of claim files and information to be produced. Specifically, AGCS shall provide Plaintiffs with: (a) a list of all claim categories and sub-sets that may contain ocean marine cargo claims that AGCS accepted and paid from January 1, 2009 to the present involving sea conditions less severe than level 7 on the Beaufort scale (whether or not the scale is referenced in the files themselves); and (b) a list of proposed search criteria for electronic and manual searching of files. Plaintiffs shall respond regarding the categories, sub-sets, and search criteria that are acceptable. To the extent the parties cannot agree on which categories and sub-sets of documents must be searched, and which search criteria must be used, they may submit a JOINT letter brief to the Court no later than March 9, 2012. The brief may not exceed five (5) pages.

4. The parties shall comply with this Court's Standing Order regarding discovery disputes.

This Order terminates Dkt. No. 72.

IT IS SO ORDERED.

Dated: March 2, 2012

YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE