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 6 SCHLUMBERGER TECHNOLOGY CORPORATION, INC.

7
 8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**

10
 11 SCHLUMBERGER TECHNOLOGY
 CORPORATION, Inc., a Texas corporation

12 Plaintiff,

13 v.

14 EAST CHARLESTON, INC., a California
 15 corporation; PACIFIC AMERICAN
 MANAGEMENT COMPANY, a California
 16 Limited Liability Corporation,

17 Defendants.

18 AND RELATED ACTIONS
 19

Case No. C 11-02587 LHK

~~PROPOSED~~ CASE MANAGEMENT
 ORDER NO. 2

20 Plaintiff Schlumberger Technology Corporation (“STC”), defendants East Charleston,
 21 Inc. (“ECI”) and Pacific American Management Company (“PAMCO”), and third party
 22 defendant Fairchild Semiconductor Corporation (collectively “Parties”) submit the following
 23 proposed Case Management Order No. 2, consistent with the Parties’ position in the Rule 26
 24 Report and pursuant to the Court’s orders at the November 22, 2011 Case Management
 25 Conference and in the November 22, 2011 Minute Order and Case Management Order.

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 28 ~~PROPOSED~~ CASE MANAGEMENT ORDER NO. 2

Case No. C 11-02587 PSG



1 **I. Discovery**

2 **A. Production of Documents, Including ESI**

3 The Parties have agreed that each party producing documents in this case will produce a
4 CD/DVD containing a digitized, searchable (i.e., optical character recognition) version of the
5 documents, imaged in single page TIFF format with document unitization and with industry-
6 standard load files such as Opticon or IPRO LFP format with a delimited text file to indicate
7 where each document starts and stops. All documents produced by any party will be numbered
8 sequentially. Each party will choose a Bates prefix, consisting of uppercase letters, to be listed
9 before the Bates number for each document produced by that party. The image filename will
10 correspond with its Bates number.

11 The requirement to produce a digitized version of documents in TIFF format will not
12 apply to documents with a native format that prohibits printing on standard size paper (e.g.,
13 audio, video, or oversized documents such as maps) or are requested in their native format (e.g.,
14 Excel spreadsheets, AutoCAD, MODFLOW). Such documents will be produced in their native
15 format. The image filename of files produced in native format will correspond with the
16 respective assigned Bates numbers. Production of documents in native format does not preclude
17 a party from also producing those documents in TIFF format marked with Bates numbers if its
18 elects to do so.

19 Standard documents such as e-mails, word processing documents, or hard copy
20 documents that have otherwise been collected in electronic form (e.g., in ZIP files) will be
21 produced in the TIFF, Bates-numbered format, as described above, absent a particular need for
22 these documents in their original format.

23 The provisions of this section do not apply to documents received from third parties
24 (including public agencies) or expert witnesses, to the extent such documents are produced.

25 **B. Privilege Issues**

26 **1. Privilege Logs**

27 In the event that any party withholds documents on the basis of privilege, that party will
28 produce a privilege log listing the author, all known recipients, the date, a brief description of the

1 document, and the privilege claimed. The log must be served no later than 30 days from the date
2 of the document production to which the privilege log applies.

3 Any challenge to the privilege log must be filed and served within 45 days after the
4 production of the privilege log.

5 The privilege log need not list: 1) confidential communications between a party and its
6 counsel regarding this action; 2) confidential work product created by or at the request of counsel
7 for any of the parties in connection with this action; 3) confidential communications between a
8 party and its non-designated consultants regarding this action; 4) confidential communications
9 between a party and its designated expert pursuant to Rule 26; or 5) communications or
10 documents related to any mediation process. These exceptions will not apply to any public or
11 non-confidential documents or to documents that were disclosed to a third party (other than those
12 noted above) in addition to counsel.

13 **2. Inadvertent Production**

14 Documents that contain privileged information will be immediately returned to the
15 producing party if the document appears on its face to have been inadvertently produced or if
16 there is a notice from the producing party of the inadvertent production of privileged or work
17 product information. The receiving party will not disclose or use in any manner the inadvertently
18 disclosed privilege information.

19 **II. Confidentiality/Protective Order**

20 The Parties shall follow Federal Rule of Civil Procedure 26(c) with the respect to the
21 issuance of any protective orders necessary for this matter.

22 **III. Dispositive Motions**

23 The section titled "Dispositive Motions" in the November 22, 2011 Minute Order and
24 Case Management Order shall be changed to reflect the Court's order at the November 22, 2011
25 Case Management Conference as follows:

26 Dispositive Motions shall be filed no later than January 31, 2013, and set for hearing no
27 later than March 7, 2013 at 1:30 p.m. Each side is limited to one summary judgment motion if to
28 be heard on March 7, 2013. Each side is limited to filing one additional summary judgment

1 motion or partial summary judgment motion prior to the January 31, 2013 filing deadline.

2
3 DATED: December 1, 2011

BARG COFFIN LEWIS & TRAPP, LLP

4 By: /s/ Laura S. Bernard
5 Attorneys for Plaintiff
6 Schlumberger Technology Corporation, Inc.

7 DATED: December 1, 2011

BARG COFFIN LEWIS & TRAPP, LLP

8 By: /s/ Laura S. Bernard
9 Attorneys for Third Party Defendant
10 Fairchild Semiconductor Corporation

11 DATED: December 1, 2011

GREBEN & ASSOCIATES

12 By: /s/ Jan A. Greben
13 JAN A. GREBEN
14 JEFF COYNER
15 DANIELLE DE SMETH
16 Attorneys for Defendant
17 East Charleston, Inc.

18 DATED: December 1, 2011

GREBEN & ASSOCIATES

19 By: /s/ Jan A. Greben
20 JAN A. GREBEN
21 JEFF COYNER
22 DANIELLE DE SMETH
23 Attorneys for Defendant
24 Pacific American Management Company

25 **IT IS SO ORDERED.**

26 Dated: December _

