E-Filed: March 7, 2014

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

ERIC BENEDICT, ET AL.,

Plaintiffs,

v.

HEWLETT-PACKARD COMPANY,

Defendant.

_____/

No. C13-00119 LHK (HRL)

ORDER RE SUPPLEMENT TO DISCOVERY DISPUTE JOINT REPORT #2

[Re: Docket No. 156]

Eric Benedict is a representative plaintiff in a conditionally certified FLSA collective action against defendant Hewlett-Packard Company ("HP"). Before leaving HP, Benedict made a mirror image of his HP-issued laptop hard drive, which contained some personal information. After learning of the existence of the image, HP demanded it be returned and filed counterclaims against Benedict. With involvement of the presiding judge, the parties agreed to a process whereby a third party would attempt to segregate the contents of the image into proprietary HP information and Benedict's personal information.

While the segregation process was ongoing, the parties filed Discovery Dispute Joint Report #2 ("DDJR #2") to address HP's contention that Benedict was required to produce the entirety of the image in response to its previously served requests for production. In December 2013, the undersigned issued an interim order requesting an update on the segregation process and clarification as to whether allowing discovery on the entire hard drive image would frustrate the purpose of the segregation process. The parties' Supplement to DDJR #2 indicates that the

segregation process would be substantially completed in January, with lingering issues to be resolved thereafter through a meet and confer process. Over 99% of the information contained within the image has been deemed to belong to HP, and Benedict has provided HP with brief descriptions of the remaining personal information on a rolling basis.

With respect to this less than one percent of information returned to Benedict, upon completion of the segregation process, he shall timely produce any and all information, including metadata, that is responsive to HP's requests for production. Utilizing the descriptions of Benedict's information, HP may identify any potentially relevant information it believes was unreasonably withheld, and the parties shall meet and confer to resolve any resulting disputes. Based on the record presented, including the arguments of both sides in DDJR #2 and the supplement thereto, HP is not entitled to inspection of the hard drive at this time.

IT IS SO ORDERED.

Dated: March 7, 2014

HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

United States District Court
For the Northern District of California

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