

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No. 10-cv-02868-MSK-KMT

L-3 COMMUNICATIONS CORPORATION, and
L-3 SERVICES, INC.,

Plaintiffs,

v.

JAXON ENGINEERING & MAINTENANCE, INC.,
JONI ANN WHITE,
RANDALL K. WHITE,
SCOTT WHITE,
SUSAN RETTIG,
CHARLES RETTIG,
JAMES YOUNGMAN,
JERRY LUBELL,
KELLY RICE,
JOHN MCCLURE, and
JOHN DOES 1-25, said names being fictitious as such names are unknown at this time,

Defendants.

ORDER

This matter is before the court on the privilege log and documents produced by Defendants pursuant to District Judge Marcia S. Krieger's November 19, 2012 order sustaining in part Defendants' objections to this court's November 1, 2012 order compelling the production of a number of Defendants' hard drives for imaging. (*See* Doc. No. 416.)

Defendants timely produced the privilege logs and documents to the court electronically on high-capacity flash drives. However, the court attempted to review a sample of the documents and discovered that, because the documents were produced in native format (to ensure document integrity), it was unable to open and review a significant number of documents.

In an effort to remedy this unforeseen complication, the court's staff reached out to Defendants' counsel, Ms. Roberts. After discussing the matter with her litigation-support vendor, Ms. Roberts' suggested that a reasonable, cost- and time-effective solution to this problem would be to upload all of the documents into a Relativity database. Relativity is a internet-/cloud-based litigation support document review tool and document repository that allows global searching and review of a multitude of different document file types such as email, email attachments, and other user working files within a secure, web-based environment. While work product modifications and additions are allowed, the metadata and native documents themselves are preserved within the application. The Relativity website, servers, and physical document repositories are secured and are only accessible by authorized users.

Defendants and their counsel will not have access to the database. Rather, only an outside litigation-support vendor and court-authorized users will have access to the database. In addition, Defendants will bear the cost of uploading the documents and maintaining the Relativity database. Defendants will also be responsible for providing the court with training for use of the Relativity database, as well as a contact for ongoing support, both through an appropriate outside vendor or other software specialist. The court will require that documents be uploaded into the database, and the database be fully prepared for the court's access, no later

than January 16, 2013. As a final matter, the court notes that it has retained the flash drives featuring all of the documents in native format for the court record.

Therefore, in light of the foregoing, it is

ORDERED that Defendants shall arrange to have all documents provided to the court for *in camera* review uploaded into the proposed Relativity database, and provide the court with access to the same via three (3) logins and unique passwords, no later than January 16, 2013. It is further

ORDERED that Defendants will bear the cost of uploading the documents and maintaining the database until the court's *in camera* review is complete, and shall also provide the court with training and a contact for ongoing support of the database.

Dated this 11th day of January, 2013.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge