

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

RPM PIZZA, LLC, D/B/A  
DOMINO'S PIZZA

CIVIL ACTION

VERSUS

NUMBER 10-684-BAJ-SCR

ARGONAUT GREAT CENTRAL  
INSURANCE COMPANY

**PARTIAL RULING ON RPM'S RENEWED MOTION TO COMPEL DISCOVERY**

Before the court is RPM Pizza LLP's Renewed Motion to Compel the Production of Documents and Interrogatory Responses. Record document number 163. The motion is opposed by defendant Argonaut Great Central Insurance Company (hereafter, "Argonaut").<sup>1</sup>

Plaintiff RPM Pizza, LLC, d/b/a Domino's Pizza (hereafter, "RPM") filed this second motion to compel discovery to essentially renew its previous motion to compel discovery filed on September 16, 2013.<sup>2</sup> In this renewed motion RPM adopted by reference its previous motion and also adopted by reference Domino's Pizza LLC's Second Motion to Compel the Production of Documents and Interrogatory Responses filed on October 29, 2013.<sup>3</sup>

On November 15, 2013 the court issued a Partial Ruling on

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<sup>1</sup> Record document number 169. RPM filed a reply memorandum. Record document number 179. Argonaut filed a sur-reply memorandum. Record document number 183.

<sup>2</sup> Record document number 141.

<sup>3</sup> Record document numbers 161 through 161-5.

Domino's Second Motion to Compel Discovery which addressed two issues: (1) Argonaut's assertions of privilege and the sufficiency of its privilege log, and (2) the format of Argonaut's production of electronically stored information ("ESI"). A review of all the memoranda and attachments related to the present motion by RPM shows that, on these two issues, RPM took the same position and relied on the same arguments as Domino's, and Argonaut relied on the same arguments it made in opposition to Domino's motion. Therefore, it is unnecessary to repeat the arguments and analysis on these issues in this ruling. Based on the analysis in the Partial Ruling on Domino's Second Motion to Compel Discover, RPM is entitled to the same relief with regard to Argonaut's assertions of privilege/sufficiency of its privilege log and the format of ESI document production.

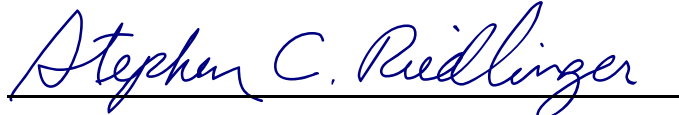
Accordingly, RPM Pizza LLC's Renewed Motion to Compel the Production of Documents and Interrogatory Responses is granted, in part, as follows.

Argonaut has waived its claims of attorney client privilege and/or work product protection as to any documents withheld from RPM on these grounds and listed on its privilege logs, and must produce the documents by November 25, 2013.

Argonaut shall comply with Instruction Number 5 included in RPM's First Set of Requests for Production of Documents served by

RPM on July 29, 2013.<sup>4</sup> This applies to all documents previously produced to RPM by Argonaut that did not comply with Instruction Number 5. Any documents that must be re-produced in order to comply with this ruling, must be produced by November 27, 2013.

Baton Rouge, Louisiana, November 20, 2013.

A handwritten signature in blue ink that reads "Stephen C. Riedlinger". The signature is written in a cursive style and is positioned above a solid horizontal line.

STEPHEN C. RIEDLINGER  
UNITED STATES MAGISTRATE JUDGE

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<sup>4</sup> See, record document number 141-2, RPM's First Set of Request for Production of Document, p. 5.