

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLANDCHAMBERS OF
STEPHANIE A. GALLAGHER
UNITED STATES MAGISTRATE JUDGE101 WEST LOMBARD STREET
BALTIMORE, MARYLAND 21201
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October 22, 2018

LETTER TO COUNSEL

RE: *Steindler v. Performance Coatings, Inc.*,
Civil No. GLR-17-3651

Dear Counsel:

This case has been referred to me for discovery and related scheduling. ECF No. 38. I am writing to confirm the results of our teleconference today, addressing the issues set forth in your joint letter of October 19, 2018 and in Plaintiffs' Motion to Compel. ECF No. 31. First, I am denying Plaintiffs' motion to compel the chemical formulation of the subject product. Given Defendant's concession that its product has the ability to combust spontaneously if materials are not properly disposed, the exact chemical formulation is not relevant to the issues presented in the case. Second, I am granting Plaintiffs' remaining motion in limited part, in that I am ordering Defendant to provide (1) a list of claims, derived from the "loss runs" provided by Defendant's insurance brokers and carriers, to include the names of the claimants, and, if available, the location and date of the claims; (2) a certification regarding Defendant's searches of its email system, confirming (a) the lack of availability of responsive records, if appropriate; (b) the results of a further inquiry into any communications between Dr. Rensen and insurance providers about combustion fire losses as of 2014; and (c) the categories of any responsive documents that might be available on the email server, but are being withheld on the basis of an objection. In addition, Defendant is to contact AIG to inquire regarding AIG's lack of response to Plaintiffs' subpoena, and to advise Plaintiffs' counsel regarding the result of that contact. Finally, as agreed by the parties, Defendant will run the key words identified by Plaintiffs in the consumer complaint database, and provide Plaintiffs with the results. The items identified above should be provided on or before **November 5, 2018**. The parties should confer and submit a proposed order regarding any changes that need to be made to the scheduling order as a result of this additional discovery.

Plaintiffs' Motion to Compel [ECF No. 31] is GRANTED in part as described above, and otherwise DENIED. Defendant's Motion to File Surreply [ECF No. 40] is DENIED as moot.

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order.

Sincerely yours,

/s/

Stephanie A. Gallagher
United States Magistrate Judge