

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
STEPHANIE A. GALLAGHER
UNITED STATES MAGISTRATE JUDGE

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April 26, 2018

LETTER TO COUNSEL

RE: *CX Reinsurance Company Limited, f/k/a CNA Reinsurance Company Limited v. Devon S. Johnson*; Civil Case No. RWT-15-3132

Dear Counsel:

I have preliminarily reviewed the parties' filings regarding CX Re's request to Raphael & Associates ("Raphael") for documents. As background, during a conference call on Monday, April 23, 2018, I directed counsel for CX Re to request Raphael (via email) to produce to CX Re any responsive documents within Raphael's possession, or, if none exist, to clarify whether it destroyed them in accordance with its document retention policy. *See* [ECF No. 142 at 2]. Although CX Re sent the request, Johnson contends that CX Re's diction "overtly signal[ed]" to Raphael that it should not produce the requested documents," because it was only asked to "voluntarily" produce documents at the request made by Johnson, "a stranger to Raphael." [ECF No. 145-1 at 2]. Johnson also asserts that CX Re's request was "far more broad[]" than necessary, in an attempt to make Raphael's production as "burdensome as possible" and to increase the odds of Raphael denying CX Re's request. *Id.* at 2-3.

I agree that CX Re should amend its request to Raphael. CX Re should clarify that it is demanding the return of some of its own claim files from Raphael. Specifically, CX Re should demand the return of documents relating to the *Newsome* and *Harley* claims. CX Re shall email (with Johnson's counsel copied) its revised request to Raphael's General Counsel by the close of business tomorrow, April 27, 2018. CX Re shall inform the court of Raphael's reply, or should notify the court if no response is received by May 2, 2018.

Despite the informal nature of this letter, it will be flagged as an Opinion and docketed as an Order.

Sincerely yours,

/s/

Stephanie A. Gallagher
United States Magistrate Judge

cc: Judge Roger W. Titus