

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT BILLSTEIN, SR., et.al.,

No. 08-13415

Plaintiffs,

District Judge Arthur J. Tarnow

v.

Magistrate Judge R. Steven Whalen

MARK GOODMAN, et.al.,

Defendants.

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ORDER

For the reasons and under the terms stated on the record on August 31, 2010, Plaintiffs’ Motion to Compel Discovery [Docket #237] is GRANTED IN PART AND DENIED IN PART.

Plaintiffs’ request for a forensic examination of Defendants’ computers is DENIED.

However, the motion to compel is GRANTED to the extent that on or before September 3, 2010, Defendants shall produce to Plaintiffs’ counsel all non-privileged emails that are responsive to Plaintiffs’ request, including non-privileged emails contained in what Defendants describe as “approximately 1-1/2 red rope” files. If Defendants claim privilege as to any emails, they shall provide a privilege log on or before September 10, 2010. In addition, the individual or individuals who conducted the search of the email servers and pc’s referenced in attorney H. Joel Newman’s August 30, 2010 email to Plaintiffs’ counsel shall themselves certify in writing, and under penalty of perjury, where and when they conducted their search, specifically what email servers and pc’s were searched, that they undertook a thorough and good-faith search, and whether

the emails produced constitute all relevant and non-privileged emails responsive to the Plaintiffs' discovery requests.

SO ORDERED.

S/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: August 31, 2010

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on August 31, 2010.

S/Gina Wilson
Judicial Assistant