

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED RENTALS, INC.,

Plaintiff,

vs.

JEFF REYNOLDS,

Defendant.

4:13CV3029

MEMORANDUM AND ORDER

After conferring with the parties on the record,

IT IS ORDERED:

- 1) Nebraska Machinery Company (NMC) shall produce all electronic storage media issued or provided by NMC for use by defendant Jeff Reynolds to a computer forensic examiner in Omaha for imaging.
- 2) United Rentals shall produce the protocol to be used for examination of the imaged computer hardware to counsel for NMC for its review. NMC shall respond to this proposed protocol within three days after receipt.
- 3) The imaging of the computer hardware shall not be provided to United Rentals' forensic examiner until the parties have reached an agreement on the search protocol, or the court has entered a ruling on that issue.
- 4) Once the forensic examiner's search is complete, the forensic examiner shall notify United Rentals, providing information regarding the number and data size of responsive documents and other images located. United Rentals shall, in turn, provide this information to counsel for NMC. But the forensic examiner shall not provide the documents and images themselves to either party until further order of the court.

- 5) After counsel is apprised of the existence and breadth of the documents and images identified by the forensic examiner, they shall confer again in good faith to resolve how those documents should be disseminated to counsel for the parties. If they reach an agreement on that issue, they shall submit a joint stipulation to the court for an order allowing the forensic examiner to disclose the information in accordance with the agreement of counsel. If counsel cannot agree of the terms of disclosing the identified documents, within seven days after the forensic examination is completed, the plaintiff shall file a motion for disclosure, therein advising the court of the parties' respective positions.

6. United Rentals shall pay the cost of imaging and forensically examining the electronic storage media issued or provided by NMC for use by defendant Jeff Reynolds.

February 26, 2013.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge