

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

Victoria A. Barreto

v.

Civil No. 12-cv-440-LM

Time Insurance Company  
d/b/a Assurant Health

O R D E R

The parties proposed discovery plan is approved and adopted as a pretrial scheduling order with the following modifications: deadline for disclosure of claims against unnamed parties, joinder of additional parties, third party actions, and amendment of pleadings is May 1, 2013.

Additionally, the parties' statement regarding electronic discovery is inadequate and must be supplemented. The parties are ordered to meet and confer and file, on or before January 21, 2013, a joint motion to supplement the discovery plan that outlines more specifically their plans/agreements with respect to electronic discovery.

The court refers the parties to the following outline of issues to discuss:

1. Preservation. Counsel should attempt to agree on steps the parties will take to segregate and preserve ESI in order to avoid accusations of spoliation.
2. E-mail Information. Counsel should attempt to agree on the scope of e-mail discovery and e-mail search protocol.
3. Back-up and Archival Data. Counsel should attempt to agree on whether responsive back-up and archival data exists, the extent to which back-up and archival data is reasonably accessible, and who will bear the cost of obtaining such data.

4. Format and Media. Counsel should attempt to agree on the format and media to be used in the production of ESI, and whether production of some or all ESI in paper form is agreeable in lieu of production in electronic format.

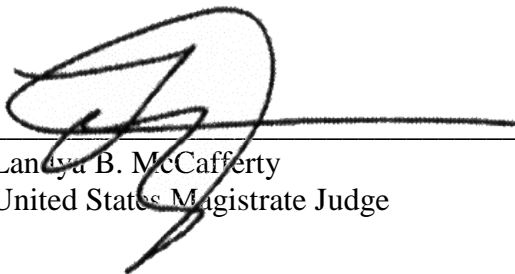
5. Reasonably Accessible Information and Costs. Counsel should attempt to determine if any responsive ESI is not reasonably accessible, i.e., is accessible only by incurring undue burdens or costs.

6. Privileged or Trial Preparation Materials. Counsel also should attempt to reach agreement regarding what will happen in the event privileged or trial preparation materials are inadvertently disclosed. See Fed. R. Evid. 502.

In light of the court's approval of the bulk of the parties' proposed discovery plan, the pretrial conference currently scheduled to occur on January 2, 2013, is cancelled. Trial is scheduled for the two-week trial period beginning December 10, 2013.

SO ORDERED.

December 28, 2012



Lancya B. McCafferty  
United States Magistrate Judge

cc: David M. Groff, Esq.  
Courtney Worcester, Esq.