



D. The scope of discovery or the format of the production of ESI may be further limited or modified by agreement by the parties.

E. The scope of discovery or the format of the production of ESI may be further limited or modified by order of the Court upon a showing of good cause or undue burden or expense.

2. PRIVILEGE LOGS

A. Privilege logs need not include documents created after the date on which this action was commenced.

B. Unbroken chains of email communications may be regarded as one, single document for purposes of entry on any privilege log.

3. INADVERTENT PRODUCTION OF PRIVILEGED DOCUMENTS

Pursuant to Rule 502(d) of the Federal Rules of Evidence, inadvertent disclosure of a communication or information covered by the attorney-client privilege or work product doctrine (“privileged information”) shall not constitute a waiver of the privilege or protection in this action or in any other case or proceeding. If any party to this action inadvertently discloses privileged information, upon becoming aware of such inadvertent disclosure the party in receipt of such privileged information shall not share or exchange the privileged information with any non-party, and shall promptly return the privileged information to the producing party; provided, however, the party in receipt of the privileged information may retain a copy of the privileged information if the party intends to challenge the claim of privilege or protection. Absent evidence to the contrary, it is presumed that the disclosure of privileged information was inadvertent unless the party

disclosing the privileged information intends to use or uses the information in support of or in response to claims or defenses raised in this action. Further, it is presumed that, with respect to any inadvertent disclosure of privileged information, absent evidence to the contrary, the party producing the privileged information took reasonable steps to prevent the disclosure and promptly took reasonable steps to rectify the error.

s/Mark R. Abel \_\_\_\_\_  
United States Magistrate Judge