IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO EASTERN DIVISION

Columbus Housing Partnership, Inc.,	:	
Plaintiff	:	Civil Action 2:12-cv-00111
v.	:	Judge Frost
Dominion Homes, Inc., et al.,	:	Magistrate Judge Abel
Defendants	:	

AGREED ORDER REGARDING DISCOVERY

Plaintiff Columbus Housing Partnership, Inc. and Defendants Dominion Homes, Inc., William G. Cornely, and Matthew Callahan agree to the following guidelines and limitations regarding discovery:

1. <u>ELECTRONICALLY STORED INFORMATION</u>

A. Definition. "Electronically stored information (ESI)" includes all types of information that can be stored electronically that are within the scope of Rule 34(a)(1)(A) of the Federal Rules of Civil Procedure.

B. Disclosure or production of ESI will be limited to data reasonably available to the parties in the ordinary course of business.

C. ESI can be disclosed or produced in any practicable format (such as PDF or TIFF format) unless the party seeking the disclosure or production of ESI specifically requests that the ESI be produced in its native format. Requests for ESI to be produced in native format will not be unreasonably denied.

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. <u>PRIVILEGE LOGS</u>

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. <u>INADVERTENT PRODUCTION OF PRIVILEGED DOCUMENTS</u>

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.

> <u>s/Mark R. Abel</u> United States Magistrate Judge