IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FIRST NIAGARA RISK : CIVIL ACTION

MANAGEMENT, INC.

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V.

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JOHN A. FOLINO : NO. 16-1779

ORDER

AND NOW, this 11th day of August, 2016, upon consideration of plaintiff First Niagara's motion to compel, defendant John A. Folino's motion to disqualify the e-discovery vendor Eqip eDiscovery Solutions, Inc. from this matter, and Folino's motion for a protective order, and for the reasons stated in the accompanying Memorandum, it is hereby ORDERED that:

- Plaintiff First Niagara's motion to compel (docket entry # 25) is
 GRANTED;
- 2. Defendant John Folino shall immediately PERMIT Eqip eDiscovery Solutions, Inc. to search his personal computer devices and email accounts using the following search criteria:
 - All emails, texts, and text chains containing one of the following search terms:
 - o Tek86@comcast.net
 - o robertjacomen@gmail.com
 - o gpnassib@gmail.com
 - o Ace08055@gmail.com
 - o Jcgacg13@yahoo.com
 - o todd@novellifinanccil.com
 - o paul@trustrti.com
 - o john@trustrti.com
 - o Trident
 - o Radnor
 - Kolongowski or Tom!
 - o Jacomen or Robert!
 - o Gil! Or Nassib!

- o Adrian! Or Miles
- o April! Or Giumento!
- o Dwyer!
- o Jim or James or Bell
- o FNRM or "First Niagara"
- o Cary or Cohrs
- o "American Cement"
- o Lehigh
- o castle
- The names of 78 clients, and variations of those names, in Folino's book of business with First Niagara
- o RTI
- o Weitzel or Rae
- Date Range: January 1, 2014 to April 27, 2016
- The production of all text messages and text message strings that contain one or more of the above-referenced terms
- 3. First Niagara's request for fees and costs associated with the motion to compel is DENIED;
- 4. Defendant Folino's motion to disqualify Eqip eDiscovery Solutions, Inc. is DENIED; and
- 5. Defendant Folino's motion for a protective order (docket entry # 30) is DENIED.

BY THE COURT:

/s/ Stewart Dalzell, J. Stewart Dalzell, J.