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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ANCORA TECHNOLOGIES,
INC.

Plaintiff,

v.

TCT MOBILE (US) INC.,
HUIZHOU TCL MOBILE
COMMUNICATION CO.,
LTD., and SHENZHEN TCL
CREATIVE CLOUD
TECHNOLOGY CO., LTD.,

Defendants.

**Case No. 8:19-cv-02192-GW(ASx)
(LEAD CASE)**

Consolidated Case No.:
Case No. 2:20-cv-01252-GW-ASx

[Hon. George H. Wu]
[Hon. Alka Sagar]

~~PROPOSED~~ ORDER

1 1. This Order supplements all other discovery rules and orders. It
2 streamlines production of Electronically Stored Information (“ESI”) to promote a
3 “just, speedy, and inexpensive determination” of this action, as required by Federal
4 Rule of Civil Procedure 1.

5 2. This Order may be modified by the Court for good cause shown.

6 3. A party’s meaningful compliance with this Order and efforts to promote
7 efficiency and reduce costs will be considered in cost-shifting determinations.

8 4. Absent a showing of good cause, general ESI production requests under
9 Federal Rules of Civil Procedure 34 and 45, or compliance with a mandatory
10 disclosure requirement of this Court, shall not include metadata. But fields showing
11 the date and time that the document was sent and received, as well as the complete
12 distribution list, shall be included in the production if such fields exist.

13 5. Absent agreement of the parties or further Court order, the following
14 parameters apply to ESI production:

15 a. *General Document Image Format*. Each electronic document shall be
16 produced in multi-page Portable Document Format (“PDF”). PDF files
17 shall be named with a unique production number followed by the
18 appropriate file extension. Load files stating the location and unitization
19 of the PDF files shall be provided. If a document is more than one page,
20 the unitization of the document and any attachments and/or affixed notes
21 shall be maintained as they existed in the original document.

22 b. *Text-Searchable Documents*. Documents shall be produced in text
23 searchable format at no cost to the receiving party.

1 c. *Footer*. Each document image shall contain a footer with a sequentially
2 ascending production number.

3 d. *Native Files*. Microsoft Excel files, databases, audio/visual, or media
4 files shall be produced as Native Files. For Excel and other spreadsheet
5 files, the Parties agree to produce a single slipsheet for each Excel file
6 branded with the text “File Produced In Native Format” along with the
7 corresponding Bates number and confidentiality designation. A party
8 may make a reasonable request to receive additional documents in its
9 native format, and upon receiving such a request, the producing party
10 shall produce the document in its native format.

11 e. *No Backup Restoration Required*. Absent a showing of good cause, no
12 party need restore any form of media upon which backup data is
13 maintained in a party’s normal or allowed processes, including but not
14 limited to backup tapes, disks, SAN, and other forms of media.

15 f. *Voicemail and Mobile Devices*. Absent a showing of good cause,
16 voicemails, PDAs, and mobile phones are deemed not reasonably
17 accessible and need not be collected and preserved.

18 6. General ESI production requests under Federal Rules of Civil Procedure
19 34 and 45, or compliance with a mandatory disclosure order, shall not include email
20 or other forms of electronic correspondence (collectively “email”). To obtain email,
21 parties must propound specific email production requests.

22 7. In the event any party makes a good faith determination that email
23 discovery is reasonably likely to result in production of noncumulative discovery that
24 is relevant to any party’s claim or defense and proportional to the needs of the case

1 pursuant to Fed. R. Civ. P. 26(b)(1), the parties shall meet and confer in an effort to
2 come to agreement as to whether email discovery is necessary and, if so, a framework
3 for conducting email discovery that fairly accounts for the likelihood of actually
4 discovering relevant email and the burden and expense to the producing party.

5 8. Under Federal Rule of Evidence 502(d), the inadvertent production of
6 privileged or work product protected ESI is not a waiver in this case or in any other
7 federal or state proceeding.

8 9. The mere production of ESI in litigation as part of a mass production
9 shall not itself constitute a waiver for any purpose.

10 10. Except as expressly stated, nothing in this order affects the parties'
11 discovery obligations under Federal or Local Rules.

1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

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21 *Attorneys for Plaintiff*
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23 DATED July 24, 2020

24 /s/ Kyle R. Canavera *
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37 *Mobile Communication Co., Ltd., and*
38 *Shenzhen TCL Creative Cloud*
39 *Technology Co., Ltd.*

40 DATED July 24, 2020

41 **FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.**

42 DATED: July 28, 2020

43 _____
44 / s / Sagar
45 Honorable Alka Sagar
46 United States Magistrate Judge

47 * Pursuant to Local Rule 5-4.3.4(a)(2), the filing party attests that TCL's counsel
48 concurs in the content of this stipulation and has authorized its filing with his
49 electronic signature.