

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**IN RE: HURRICANE LITIGATION AGAINST  
STATE FARM FIRE AND CASUALTY COMPANY**

**CASE MANAGEMENT ORDER Re:  
COORDINATED DOCUMENT PRODUCTION AND DISCOVERY**

The Court having considered the establishment of an electronic documents repository for the purpose of coordinating and streamlining document discovery in actions in which State Farm is a party, and having invited and received comments from members of the plaintiff's and defense bar, finds the consensus favors the creation of such a repository in State Farm cases, and enters this order.

**RULES CONCERNING COORDINATED DOCUMENT DISCOVERY**

**(1) Repository Set-Up**

Within twenty (20) days of the date of selection of a vendor as provided in paragraph (4), a joint electronic repository shall be established and maintained by the third-party vendor in which the parties governed by this order can, and in some cases must deposit documents produced in discovery, under the terms set forth in this order.

**(2) Purpose of Repository**

The repository shall be used to store electronic reproductions of documents that are produced in discovery, either in response to Rule 34 requests or in connection with Rule 26 voluntary disclosures, and to permit access to such documents by parties in cases described in paragraph 3.

**(3) Parties and Cases Governed**

This order applies to the actions listed in Exhibit A, and governs the parties to those actions. Parties in actions filed after the entry of this order may become parties to this order by stipulation of all counsel to the particular action in question, or by application to the Magistrate Judge.

**(4) Party Representatives Responsible for Vendor Selection**

Within twenty (20) days of the date of this order, counsel in the actions governed by this order shall appoint two representatives – one on behalf of the defendant(s) and the other on behalf of the plaintiffs – whose sole responsibility shall be to select and retain the third-party vendor who will manage the repository, and to coordinate activities as set forth in this agreement. Within twenty (20) days of the date of this order, the parties shall report to the Court the names of the representatives selected or the Court will appoint the party representative(s).

Within twenty (20) days of their appointment, these representatives shall select the vendor to set up and maintain the repository. If the representatives are unable to reach agreement on the selection of the vendor, they shall identify the disputed issues in a motion to be presented to the Magistrate Judge at the expiration of the twenty (20) day period.

**(5) Cost of Repository**

The cost of the joint electronic repository shall be borne initially by the defendants, as it appears the defendants will reap the greater benefits with respect to a single production of documents for use in multiple cases, and at the outset, only State Farm documents shall be stored in the repository. The Court may re-evaluate both these provisions following a trial period and assessment of the overall utility of the documents repository to the parties.

**(6) Submission of Documents to Repository**

Documents may be added to the repository in three ways. First, a producing party may elect to deposit documents in the repository. In this event, counsel shall also file in the court record, and serve on opposing counsel, a notice of production of documents to the repository, identifying the Bates ranges of the images deposited. By depositing such documents, and providing such notice, a party will have satisfied its production obligations under Rule 34 and/or Rule 26.

Second, parties to any action covered by this Order may stipulate that documents that have already been produced in hard copy form may be deposited in the repository.

Third, parties other than the producing party may apply to the Magistrate Judge for an order directing that a document that has already been produced in hard copy form be deposited in the repository so that it can be accessed and shared by other parties governed by this order. In ruling on such a motion, the Court shall consider whether the document that is the subject of the motion is relevant to legal or factual matters that are common to the cases governed by this order, and shall deny the motion where concerns of privacy, confidentiality or prejudice outweigh any efficiency gained by the inclusion of the document in the repository. Before bringing such a motion, counsel shall meet and confer with opposing counsel in an attempt to reach an agreement concerning the treatment of the documents at issue.

The parties shall produce documents in an electronic format.

**(7) Confidentiality**

No later than thirty (30) days from the date of this order, counsel for the parties are directed to work together to propose to the court a Confidentiality and Protective Order (“Protective Order”) to safeguard, as appropriate, confidential, proprietary, trade secret or private information that may

be produced during discovery. This Protective Order shall be substantially similar to Orders previously entered by the Magistrate Judge in cases involving Defendant and parties represented by counsel for plaintiffs, and shall include the following provisions:

(a) Documents which have been designated “Confidential” by the producing party may be disclosed only to counsel, counsel’s staff and assistants, the parties, and prospective experts, and every such person to whom the documents are disclosed must agree to be bound by the provisions of the Confidentiality and Protective Order, and signify such agreement by signing a form that so indicates as an exhibit to the Order.

(b) At the close of litigation, copies of all documents marked “Confidential” shall be returned to counsel for the producing party.

In the event that counsel are unable to agree on the terms of such a Protective Order, they shall bring motions with competing orders to the Magistrate Judge.

**(8) Access to Repository**

Prior to accessing any documents in the repository, counsel for every party to this agreement shall execute the Protective Order and provide a copy of such signed Protective Order to opposing counsel. Once counsel for a party governed by this Order has executed the Confidentiality and Protective Order, he or she will be provided a password that shall be required for access to the repository. The repository shall be designed to track and record by user the documents that have been downloaded or printed and shall permit any party governed by this Order to ascertain which documents have been downloaded or printed by any other party. In order to introduce at trial a document that was accessed from the repository, a party must either have printed or downloaded it

from the repository in the manner permitting tracking outlined above or have notified opposing counsel by Bates number of the documents from the repository that have been obtained.

**(9) Numbering and Indexing**

The parties to this Order shall develop and maintain a system that identifies by a unique number or symbol each document deposited in the repository, including identification of the depositing party. The parties will solicit proposals from third-party vendors relative to numbering, scanning and indexing the documents produced in this matter.

**(10) Documents Produced by Non-Parties**

In the event that documents produced by persons or entities who are not parties governed by this Order are included in the repository, the party at whose request production was made shall be responsible for numbering the documents in accordance with the terms of this order.

**(11) Legibility of Documents**

Each producing party shall take reasonable steps to assure that the copies of the documents it produces are legible. To the extent a producing party cannot or does not produce a legible copy, it shall make the original document(s) available for inspection and copying at the request of any other party.

**(12) Authentication**

Any document produced by any party via deposit in the repository, whether as part of the initial disclosure, in response to formal document requests, or by agreement, shall be presumed to satisfy the authentication requirement of Fed. R. Evid. 901. This presumption may be rebutted, but the party challenging the presumption shall bear the burden of establishing that the document is not authentic.

**(13) Inadvertent Production of Documents**

A party that inadvertently deposits in the repository a document that it maintains is privileged shall, upon becoming aware of the inadvertent deposit, immediately file a notice into the record identifying the document by its unique number or symbol. Any party seeking to contest the assertion of privilege must request *in camera* review of the document(s) in question by filing a motion that does not disclose the content of the document(s) over which the producing party has asserted privilege.

No use whatsoever may be made of an inadvertently produced privileged image or of any information contained therein until such time as the producing party withdraws the claim of privilege or the Court determines on motion that the document is not privileged. Unless the court overrules the claim of privilege, any party that received the inadvertently produced document is to immediately destroy the document and all copies thereof, unless it received the original, in which case it shall return the original to the producing party.

**(14) Preservation**

Parties shall preserve evidence in accordance with the applicable law and any orders of the Court.

**(15) No consolidation**

The actions that are governed by this Order shall continue to be treated as separate and independent actions.

**SO ORDERED**, this the 30<sup>th</sup> day of May, 2007.

*/s/ Robert H. Walker*  
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ROBERT H. WALKER  
UNITED STATES MAGISTRATE JUDGE

**EXHIBIT "A"**

1:06cv1LTS-RHW	Guice vs State Farm
1:06cv4LTS-RHW	McCoy vs State Farm
1:06cv94LTS-RHW	Higdon vs State Farm
1:06cv95LTS-RHW	Muller vs State Farm
1:06cv151LTS-RHW	Therrell vs State Farm
1:06cv175LTS-RHW	Stevens vs State Farm
1:06cv183LTS-RHW	Davies vs State Farm
1:06cv188LTS-RHW	Bukvic vs State Farm
1:06cv225LTS-RHW	Alarcon vs State Farm
1:06cv246LTS-RHW	Hadden vs State Farm
1:06cv247LTS-RHW	Beckham vs State Farm
1:06cv249LTS-RHW	Guy vs State Farm
1:06cv315LTS-RHW	Lott vs State Farm
1:06cv317LTS-RHW	Arceneaux vs State Farm
1:06cv318LTS-RHW	Speed vs State Farm
1:06cv393LTS-RHW	Winters vs State Farm
1:06cv409LTS-RHW	Stewart vs State Farm
1:06cv415LTS-RHW	Hope vs State Farm
1:06cv418LTS-RHW	Le vs State Farm
1:06cv419LTS-RHW	Buchanan vs State Farm
1:06cv421LTS-RHW	Plotkin vs State Farm
1:06cv449LTS-RHW	Schultz vs State Farm
1:06cv451LTS-RHW	Green vs State Farm
1:06cv452LTS-RHW	Adler vs State Farm
1:06cv471LTS-RHW	Chapoton vs State Farm
1:06cv483LTS-RHW	Padilla vs State Farm
1:06cv489LTS-RHW	Fowler vs State Farm
1:06cv503LTS-RHW	Stieffel vs State Farm
1:06cv512LTS-RHW	Bishop vs State Farm
1:06cv513LTS-RHW	Illing vs State Farm
1:06cv518LTS-RHW	Candiotto vs State Farm
1:06cv519LTS-RHW	Lott vs State Farm
1:06cv521LTS-RHW	Laborde vs State Farm
1:06cv522LTS-RHW	Echezabal vs State Farm
1:06cv527LTS-RHW	Harris vs State Farm
1:06cv533LTS-RHW	Kellogg vs State Farm
1:06cv546LTS-RHW	Durost vs State Farm
1:06cv563LTS-RHW	Lanier vs State Farm
1:06cv574LTS-RHW	Davis vs State Farm
1:06cv581LTS-RHW	Patterson vs State Farm
1:06cv589LTS-RHW	Dickens vs State Farm
1:06cv590LTS-RHW	Hosch vs State Farm

1:06cv600LTS-RHW	Susskind vs State Farm
1:06cv604LTS-RHW	Drennan vs State Farm
1:06cv610LTS-RHW	Gaspard vs Rimkus
1:06cv628LTS-RHW	Vosbein vs State Farm
1:06cv629LTS-RHW	Lucore vs State Farm
1:06cv638LTS-RHW	Langguth vs State Farm
1:06cv639LTS-RHW	Thomas vs State Farm
1:06cv647LTS-RHW	Eleuterius vs State Farm
1:06cv649LTS-RHW	Killeen vs State Farm
1:06cv651RHW	Cowart vs State Farm
1:06cv654RHW	Coverdale vs State Farm
1:06cv672LTS-RHW	Ward vs State Farm
1:06cv691LTS-RHW	Melancon vs State Farm
1:06cv696LTS-RHW	Farrell vs State Farm
1:06cv704LTS-RHW	Eagan vs State Farm
1:06cv706LTS-RHW	Saunders vs State Farm
1:06cv711LTS-RHW	Gagne vs State Farm
1:06cv728LTS-RHW	Flammer vs State Farm
1:06cv746LTS-RHW	Lizana vs State Farm
1:06cv747LTS-RHW	Ball vs State Farm
1:06cv751LTS-RHW	Hahn vs State Farm
1:06cv754LTS-RHW	DeBardeleben vs State Farm
1:06cv759LTS-RHW	Martin vs State Farm
1:06cv854LTS-RHW	Tubbs vs State Farm
1:06cv856LTS-RHW	Cimino vs State Farm
1:06cv857LTS-RHW	Barrere vs State Farm
1:06cv858LTS-RHW	Kelly vs State Farm
1:06cv862LTS-RHW	Kelly vs State Farm
1:06cv864LTS-RHW	Adams vs State Farm
1:06cv865LTS-RHW	Moran vs State Farm
1:06cv867LTS-RHW	Covington vs State Farm
1:06cv871LTS-RHW	Waterman vs State Farm
1:06cv874LTS-RHW	Hansell vs State Farm
1:06cv878LTS-RHW	Boos vs State Farm
1:06cv880LTS-RHW	Goetz vs State Farm
1:06cv884LTS-RHW	Babin vs State Farm
1:06cv886LTS-RHW	Mikelonis vs State Farm
1:06cv891LTS-RHW	Arnold vs State Farm
1:06cv897LTS-RHW	Smith vs State Farm
1:06cv900LTS-RHW	Carbine vs State Farm
1:06cv902LTS-RHW	Willis vs State Farm
1:06cv905LTS-RHW	Palermo vs State Farm
1:06cv911LTS-RHW	Sosville vs State Farm
1:06cv920LTS-RHW	Flanders vs State Farm



1:06cv924LTS-RHW	Sekul vs State Farm
1:06cv925LTS-RHW	Reed vs State Farm
1:06cv942LTS-RHW	Gerogiannis vs State Farm
1:06cv969LTS-RHW	Marion vs State Farm
1:06cv989LTS-RHW	Diaz vs Bounds
1:06cv1022LTS-RHW	Roberts vs State Farm
1:06cv1059LTS-RHW	Reese vs State Farm
1:06cv1061LTS-RHW	Huynh vs State Farm
1:06cv1063RHW-RHW	Childers vs State Farm
1:06cv1080LTS-RHW	McIntosh vs State Farm
1:06cv1084LTS-RHW	Dowdy vs State Farm
1:06cv1102LTS-RHW	Travers vs State Farm
1:06cv1111LTS-RHW	Bickham vs State Farm
1:06cv1117LTS-RHW	Jones vs State Farm
1:06cv1118LTS-RHW	Oakes vs State Farm
1:06cv1121LTS-RHW	Seymour vs State Farm
1:06cv1132LTS-RHW	Benjamin vs State Farm
1:06cv1134LTS-RHW	Reich vs State Farm
1:06cv1135LTS-RHW	Wells vs State Farm
1:06cv1143LTS-RHW	Slaughter vs State Farm
1:06cv1152LTS-RHW	Whicker vs State Farm
1:06cv1154LTS-RHW	Stahl vs State Farm
1:06cv1158LTS-RHW	Mandal vs State Farm
1:06cv1159LTS-RHW	Evans vs State Farm
1:06cv1160LTS-RHW	Evans vs State Farm
1:06cv1190LTS-RHW	Wagner vs State Farm
1:06cv1194LTS-RHW	Delchamps vs State Farm
1:06cv1196LTS-RHW	Blair vs State Farm
1:06cv1219LTS-RHW	Byrd vs State Farm
1:06cv1223LTS-RHW	Breland vs State Farm
1:06cv1233LTS-RHW	Aicklen vs State Farm
1:06cv1239LTS-RHW	Burke vs State Farm
1:06cv1252LTS-RHW	Atkinson vs State Farm
1:06cv1261LTS-RHW	Ayers vs State Farm
1:06cv1281LTS-RHW	Thornhill vs State Farm
1:06cv1283LTS-RHW	Wingate vs State Farm
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1:06cv1297LTS-RHW	Jacob vs State Farm
1:06cv1298LTS-RHW	Franks vs State Farm

1:06cv1299LTS-RHW	Matherne vs State Farm
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1:07cv7LTS-RHW	Derbes vs State Farm
1:07cv13LTS-RHW	Hawkins vs State Farm
1:07cv14LTS-RHW	Benfatti vs State Farm
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1:07cv16LTS-RHW	Picou vs State Farm
1:07cv26LTS-RHW	Moore vs State Farm
1:07cv37LTS-RHW	Barber vs State Farm
1:07cv39LTS-RHW	Palmer vs State Farm
1:07cv48LTS-RHW	Burger vs State Farm
1:07cv52LTS-RHW	Myers vs State Farm
1:07cv57LTS-RHW	Claiborne vs State Farm
1:07cv60LTS-RHW	Weathersby vs State Farm
1:07cv61LTS-RHW	Cates vs State Farm
1:07cv63LTS-RHW	Youngblood vs State Farm
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1:07cv67LTS-RHW	Peters vs State Farm
1:07cv68LTS-RHW	McConnell vs State Farm
1:07cv69LTS-RHW	Trosclair vs State Farm
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1:07cv72LTS-RHW	McNally vs State Farm
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1:07cv103LTS-RHW	Collins vs State Farm
1:07cv104LTS-RHW	Lawler vs State Farm
1:07cv107LTS-RHW	Holloman vs State Farm
1:07cv108LTS-RHW	Blackwell vs State Farm
1:07cv109LTS-RHW	Blaize vs State Farm
1:07cv114LTS-RHW	Landry vs State Farm
1:07cv116LTS-RHW	Perkins vs State Farm
1:07cv117LTS-RHW	Regan vs State Farm
1:07cv125LTS-RHW	Lafrance vs State Farm

1:07cv126LTS-RHW	Remel vs State Farm
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1:07cv622LTS-RHW	Davis vs State Farm
1:07cv628LTS-RHW	Lewis vs State Farm
1:07cv629LTS-RHW	Cochran vs State Farm
1:07cv630LTS-RHW	Miller vs State Farm
1:07cv645LTS-RHW	Tannehill vs State Farm
1:07cv650LTS-RHW	Perrone vs State Farm