

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

Court Minutes and Order

DATE: September 6, 2017
JUDGE: Pamela Pepper
CASE NO: 2016-cv-943
CASE NAME: Ashton Whitaker v. Kenosha Unified School District No. 1 Board of
Education
NATURE OF HEARING: Discovery Dispute
APPEARANCES: Joseph Wardenski – Attorney for the plaintiff
Ronald Stadler – Attorney for the defendant
Aaron Graf- Attorney for the defendant
COURTROOM DEPUTY: Kristine Wrobel
TIME: 1:49 p.m. – 2:04 p.m.

The court noted that it had scheduled this hearing to allow the parties time to discuss the issues surrounding production of ESI.

Counsel for the plaintiff reported that after the previous hearing, he had gone through the list of possible custodians from whom he sought ESI, and reduced that list from thirty-eight to twenty-five. Counsel explained that he also had limited the date range for the searches. The parties had exchanged emails regarding ESI; counsel posited that it now was in the hands of the defendant as to how to proceed.

Counsel for the defendant acknowledged that he had received the revised proposal, but told the court that there was still an issue regarding how much it would cost the defendant to comply with even the streamlined request. Counsel further stated that he considered seeking cost sharing, but that he had not yet proposed that to counsel for the plaintiff. Counsel stated that he would provide plaintiff's counsel with a copy of the sample search the district had conducted as soon as possible. Counsel asked the court to set a briefing schedule for the motion for a protective order, and agreed that the parties could use the same schedule to brief the motion to compel.

Counsel for the plaintiff told the court that he did not understand why the plaintiff would pay for half the cost for information that he requested about a year ago. Counsel questioned why the defendant's insurance company could not cover the cost.

Counsel for the defendant responded that the insurance company was involved, but pointed out that this did not mean that production was cost-free to the defendant; the defendant's premiums likely would go up.

The court allowed the parties to brief the issues regarding cost sharing for providing ESI, but limited each side to three pages. The court **ORDERS** the following deadlines:

The defendant shall file its motion for cost sharing no later than September 12, 2017.

The plaintiff shall file his response to the motion no later than September 15, 2017.

Dated in Milwaukee, Wisconsin this 2nd day of October 2017.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge