

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

**CHRISTOPHER FAIN,
individually and on behalf of
all others similarly situated, et al.,**

Plaintiffs,

v.

Case No.: 3:20-cv-00740

WILLIAM CROUCH, et al.,

Defendants.

ORDER

On the thirteenth day of September, 2021, the parties appeared, by counsel, for a hearing on Plaintiff's Motion For Entry of a Partial ESI Protocol, Protective Order, Deposition Protocol Order, 502(d) Clawback Order, and Order Regarding Virtual Depositions. (ECF No. 77). After hearing from the parties, the Motion is **GRANTED**, in part, and **DENIED**, in part, as follows. The Motion is denied, as moot, as to the Protective Order, Clawback Order, and Order Regarding Virtual Depositions, as agreed orders and a stipulation on those subjects have now been entered. (ECF Nos. 89, 90, 91). With respect to the Deposition Protocol, the Motion is granted, as modified by the parties. The parties are **ORDERED** to promptly submit an agreed, revised Deposition Protocol that allows each party to take up to 10 depositions.

As to the ESI Protocol, the Motion is granted to the extent that the parties are **ORDERED** to meet and confer, and to report to the undersigned, regarding ESI protocols no later than **September 30, 2021**. At a minimum, the parties shall try to agree on a simple ESI formatting order, so that the parties will follow the same basic

protocols on how they format and transmit ESI for production. The parties shall also attempt to reach an agreement on more complex issues related to the production of ESI, and if they cannot agree, shall notify the undersigned's chambers on or before September 30, 2021 of any outstanding issues and whether the parties require a telephonic discovery conference.

The Clerk is directed to provide a copy of this Order to counsel of record.

ENTERED: September 14, 2021



Cheryl A. Eifert
United States Magistrate Judge