

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA.
CIRCUIT CIVIL DIVISION "AF"

CASE NO.: 50 CA XXXX MB

Plaintiff,

vs.

Defendant.

_____ /

**STANDING ORDER ON ELECTRONICALLY STORED
INFORMATION DISCOVERY**

The Court understands that Plaintiff designated on Form 1.997 (Civil Cover Sheet) this matter constitutes a business tort, products liability matter, professional malpractice, antitrust/trade regulation, business transaction, intellectual property, shareholder derivative action, securities litigation or trade secrets, and *sua sponte*, pursuant to Fla.R.Civ.P. 1.200, hereby **ORDERS and ADJUDGES**:

1. Plaintiff shall serve this Order upon counsel for Defendant within 20 days of the first appearance of counsel for Defendant, and shall schedule a meet and confer with counsel for Defendant within 60 days of such service.

2. At the meet and confer, both counsel for Plaintiff and Defendant shall be prepared to discuss in detail, and will actually discuss:

- a. Whether this matter should be considered Complex Litigation pursuant to Rule 1.201, including the factors in Rule 1.201(2) as to which there is mutual agreement;
- b. The identity, employment position and employment address of electronically stored information (ESI) custodians who exist for each of their respective clients;

- c. The structure of each of their client's respective computer systems and a descriptive identification of all relevant software, including the identity and number of servers, computers, electronic devices and email accounts that may contain relevant information or information that would potentially lead to the discovery of admissible evidence in this matter;
- d. The existence and nature of ESI preservation policies, whether, when, and how a litigation hold was placed on ESI, the possibility of agreements regarding the extent to which ESI should be preserved, the form in which such evidence should be produced, and whether discovery of such information should be conducted in phases or limited to particular individuals, time periods, or sources;
- e. The need for an ESI disclosure clawback agreement beyond Fla.R.Civ.P. 1.285;
- f. The scope, estimated cost, and estimated time for completion of ESI discovery required for the claims/counterclaims alleged in accordance with Fla.R.Civ.P. 1.280; and,
- g. Whether any ESI issues may significantly protract this litigation, and if so, how such issues may be most efficiently mitigated.

3. Counsel for the Parties shall jointly prepare and file a short Notice of Compliance confirming they have met the requirements of Para. 1 and 2 of this Order. If the Report is filed within 15 days of the meet and confer, counsel for the parties need take no further action to comply with this Order, absent further motion by the parties or order of this Court. If the Notice of Compliance is not filed within 15 days of the meet and confer, Plaintiff shall notice a Case Management Conference pursuant to 1.200(a) for Uniform Motion Calendar to address the specific issues that have resulted in the lack of compliance.

DONE AND ORDERED in Chambers at West Palm Beach, Florida on _____, 20_____.

EDWARD L. ARTAU, Circuit Judge