

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
INTEGRATED COMMUNICATIONS &)	
TECHNOLOGIES, INC. ET AL,)	
)	
Plaintiffs,)	
)	
v.)	Civil No. 16-10386-LTS
)	
HEWLETT-PACKARD FINANCIAL)	
SERVICES COMPANY ET AL,)	
)	
Defendants.)	
_____)	

ORDER ON DISCOVERY EXPERT’S REPORT

September 20, 2019

SOROKIN, J.

On September 13, 2019, the Court appointed Tara Emory of Driven, Inc. as a discovery expert to assist the Court in resolving the parties’ ongoing dispute regarding hundreds of thousands of pages of non-responsive and irrelevant documents produced by Plaintiffs. Doc. No. 232. With Ms. Emory’s assistance, the parties resolved their dispute as described in Ms. Emory’s Report, which also contains two recommendations. The report is attached as Exhibit A.

Originally, Plaintiffs produced 227,425 documents and later identified 54,842 as responsive documents. Now, the parties have identified an additional 4,077 out of the remaining 172,583 documents as responsive. The parties have agreed that any party may use (1) the 54,842 documents Plaintiffs originally identified as responsive; and (2) the additional 4,077 documents identified as responsive. That leaves 168,506 documents produced by Plaintiffs, but not identified by them as responsive. Per the parties’ agreement, Ex. A, Plaintiffs may not use these documents,

but Defendants may use them. Ms. Emory recommends that the Court adopt this agreement; the Court concurs and ADOPTS it.

Ms. Emory further recommends that “the Parties enter into an additional stipulated protective order under Federal Rule of Evidence 502(d), to apply to disclosures whether inadvertent or otherwise.” Id. The Court leaves that recommendation to the Parties.

The Court greatly appreciates the efficient, sensible, and effective resolution of this dispute by Ms. Emory. Because the dispute was caused by Plaintiffs’ overproduction of unresponsive and irrelevant documents, the Court assesses the cost of Ms. Emory’s services against Plaintiffs’ counsel. They shall pay her bill within 30 days of this Order.

SO ORDERED.

/s/ Leo T. Sorokin
Leo T. Sorokin
United States District Judge