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**SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN THE COUNTY OF KING**

MAYFLOWER DATA SYSTEMS, a
Washington corporation,

Plaintiff,

v.

DUDLEY DOBAD and JANE DOE
DOBAD, husband and wife, and the
marital community thereof, and BRAD
PURLOIN and JANE DOE PURLOIN,
husband and wife, and the marital
community thereof,

Defendants.

NO. xx-x-xxxxx-x SEA

REPORT OF PARTIES' PLANNING
MEETING PER CR 26(F) AND
DISCOVERY PLAN

1. **Meet and Confer.** Pursuant to Fed.R.Civ.P. 26(f), a meeting was held on March 1, 2016 at the
Seattle law offices of Tomlin & Chase, PLLC, and was attended by:

Larry G. Johnson for Plaintiff.

Ronald J. Tomlin for Defendants.

REPORT OF PARTIES' PLANNING MEETING
PER CR 26(f) AND DISCOVERY PLAN

1 **2. Pre-Discovery Disclosures.** The parties will exchange by June 4, 2016 the information
2 specified in CR 26(a), subject to the following agreed-upon protocol:

3 Responsive electronically stored information (“ESI”) will be produced in native file
4 format and, to the extent possible, produced in electronic folders and subfolders as stored on the
5 media from which the ESI is produced, preserving the names used for those folders and
6 subfolders. Alternatively, the producing party will provide for each produced electronic file a
7 spreadsheet or other document with the “path” for each such file, indicating the storage device's
8 hierarchy of folders within which the file was stored. For example, if a file named “Jones.PDF”
9 is stored on a desktop computer in a folder named “Correspondence”, and that folder in turn is
10 stored in a folder named “ABC Project”, which in turn is stored in a folder called “Current
11 Projects”, then the production of “Jones.PDF” should be produced in that hierarchy of folder and
12 subfolders in a separate document, such as a spreadsheet, and should show a link to “Jones.PDF”
13 indicating its path, e.g.: “C:\Users\Jones\Desktop\Current Projects\ABC
14 Project\Correspondence.” This procedure shall be deemed to satisfy the requirement of Civil
15 Rule 34(b)(2)(E)(1) that ESI be produced as “kept in the usual course of business.”

16 **3. Discovery Plan.** The parties jointly propose to the court the following discovery plan:

17 **A. Electronic Discovery Plan.**

18 1. ESI produced in this case shall be in accordance with the protocol regarding native file
19 types and tracking of file paths as outlined in Paragraph 2 above.

20 2. Electronic discovery will be conducted in phases which will be repeated iteratively as
21 necessary to enhance the precision and accuracy of search results, and so long as the effort is in
22 accordance with the proportionality requirements of CR 26(b)(2)(C). The parties will cooperate
23

1 and use best efforts in their use of technology to achieve cost-effective results. To that end, the
2 first phase of keyword searches of potentially relevant ESI shall proceed as follows:

3 a). Emails and their attachments. Each party shall provide to the other the names, job
4 titles and job duties of five persons who may become witnesses for that party and most
5 knowledgeable about facts relevant to this action, and that party shall conduct searches of all
6 email accounts of such persons, according to search terms set out in paragraph 2(b) below, and
7 each party shall produce to the other party all responsive ESI, i.e. both emails and their
8 attachments, not privileged, to the opposing party, no later than July 1, 2016, subject to the other
9 conditions set out in this paragraph 2.

10 b). Search terms. For the initial search, each party may submit to the other party up to 10
11 search terms they are to use to search their ESI. A combination of terms used together in a single
12 search in order to provide greater precision and accuracy of results shall be deemed, for the
13 purposes of this subsection, to be one search term. For example, a Boolean search such as “Jones
14 AND Smith BUT NOT Appleby” is one search term, as would be a proximity search such as
15 “Jones WITHIN 2 WORDS OF Ralph.” Each party shall communicate within five business days
16 from the date of this report the search terms it wishes the opposing party to use as to the
17 opposing party's email sets defined in subsection 2(a) above.

18 c). Date range. For the purposes of this initial phase, the parties agree that the relevant
19 date range within which potentially relevant documents may be found is September 1, 2012
20 through September 1, 2014 inclusive. Search term results for any ESI lying outside that date
21 range may be ignored.

1 d). Certification. The parties, through their attorneys, will certify per CR 26(g) that all
2 ESI produced as a result of the searches is complete and accurate as of the date the production is
3 made.

4 e). The parties agree to meet and confer no later than August 1, 2016 to attempt
5 agreement on whether a second phase of e-discovery is required; additional search terms to be
6 used based on what is learned from the first phase results; and to identify any disputes regarding
7 e-discovery which may be submitted to an agreed-upon third party to mediate and/or resolve as
8 Special Master per CR 53, or in any other agreed-upon capacity.

9 f). The parties agree to follow and be bound by the Sedona Principles regarding
10 electronic discovery, as currently published.

11 g). The parties will repeat the process as set forth above, whereby the scope of ESI may be
12 further limited or expanded as needed.

13 **B. Discovery will be needed on the following subjects:**

14 1. Plaintiff's proposal: Defendant's access to confidential information which are identified as
15 such in their employment agreements: Plaintiff's customer lists; Plaintiff's sales data; research
16 data and technical specifications regarding Project ELMO; their emails regarding the foregoing
17 to each other and to their parties; their use of such information in setting up and attracting
18 investors to their planned incorporation of XYZ Industries; the source and amount of
19 investments obtained by them for XYZ Industries, along with their business plan(s) regarding
20 same.

21 2. Defendants' proposal: Plaintiff's Minutes of Board meetings regarding anything relative to
22 Project ELMO, including plans regarding abandoning that project; emails of Executive
23 Committee employees regarding those same subjects.

1 C. **Discovery Cut-off.** All discovery commenced in time to be completed by January 12, 2017.

2 D. **Discovery Amount.**

3 1. Maximum of 25 interrogatories, including subparts, by each party to any other party.

4 2. Maximum of 5 requests for admission, including subparts, by each party to any other party.

5 3. Maximum of 2 depositions by Plaintiff and 2 by Defendants. Each deposition is to be limited
6 to a maximum of three hours unless extended by agreement of parties.

7 E. **Reports from retained experts** under Rule 26(a)(2) due:

8 from Plaintiff by November 15, 2016.

9 from Defendants by November 15, 2016.

10 4. **Other Items.**

11 1. The parties do not request a conference with the court before entry of the scheduling order.

12 2. The parties request a pretrial conference in December, 2016.

13 3. Plaintiff should be allowed until May 12, 2016 to join additional parties and until July 15,
14 2016 to amend the pleadings.

15 3. Defendants should be allowed until May 20, 2016 to join additional parties and until July
16 15, 2016 to amend the pleadings.

17 4. All potentially dispositive motions should be filed by December 1, 2016.

18 5. Settlement may be enhanced by use of the following alternative dispute resolution
19 procedure: appointment of a Special Master for any discovery disputes per CR 53.

20 6. Final lists of witnesses and exhibits under Rule 26(a)(3) should be due:

21 from Plaintiff by November 15, 2016.

22 from Defendants by November 25, 2016.

1 7. Parties should have 10 days after service of final lists of witnesses and exhibits to list
2 objections under Rule 26(a)(3).

3 8. The case should be ready for trial by January 4, 2017 and at this time is expected to take
4 approximately three days.

5 Dated this 5th day of March, 2016.

6 /s Larry G. Johnson
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