

IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE  
TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY

UNIVERSAL STRATEGY GROUP, )  
INC., )  
 )  
Plaintiff, )  
 )  
VS. ) NO. 16-15-BC  
 )  
BRIAN DAVID HALSTEAD, )  
 )  
Defendant. )  
\_\_\_\_\_)  
 )  
BRIAN DAVID HALSTEAD, in his )  
individual capacity and derivatively for )  
UNIVERSAL STRATEGY GROUP, )  
INC., )  
 )  
Counter-Plaintiff, )  
 )  
VS. )  
 )  
UNIVERSAL STRATEGY GROUP, )  
INC., and TIMOTHY SLEMP, )  
 )  
Counter-Defendants. )  
 )  
CONSOLIDATED WITH  
UNIVERSAL STRATEGY GROUP, )  
INC., )  
 )  
Plaintiff, )  
 )  
VS. ) NO. 17-136-BC  
 )  
BRIAN DAVID HALSTEAD, )  
 )  
Defendant. )

ESI DISCOVERY ORDER AND MODIFICATIONS TO  
OCTOBER 19, 2017 RULE 16 ORDER

After conducting a hearing pursuant to Tennessee Civil Procedure Rules 26.02 and 26.06 to address disputes regarding electronically stored information (“ESI”), the following is ORDERED.

**Plaintiff’s ESI Discovery Requests**

1. The Plaintiff shall furnish to Defendant by April 9, 2018, Plaintiff’s search terms in the Excel/Word spreadsheet/table format agreed upon by the parties and their ESI vendors at the April 4, 2018 hearing.

2. By April 12, 2018, the Defendant shall provide to the Plaintiff the report by the Defendant’s ESI vendor of the “hits”/yield from running Plaintiff’s search terms, including in the report the megabytes/size of each hit.

3. By April 20, 2018, the Plaintiff shall select up to 3000 of the hits for the ESI vendor to ultimately produce. By April 25, 2018, Defendant’s ESI Vendor shall produce the content of 10% of the up-to 3000 hits selected by the Plaintiff, after those have been reviewed for privilege by Defendant’s Counsel. Plaintiff shall review the 10% yield and then file a notice with the Court by May 4, 2018, stating if problems have been encountered; or, alternatively, if there are no problems and the Plaintiff seeks production of the remaining 90% by May 15, 2018.

4. May 15, 2018 is the deadline for the Defendant to produce to the Plaintiff the content of the up-to 3000 hits Plaintiff selected for production. May 22, 2018, is the deadline for the Defendant to serve on the Plaintiff the privilege log for content the Plaintiff selected but the Defendant did not produce due to privilege.

### **Defendant's ESI Discovery Requests**

5. By April 16, 2018, the Plaintiff shall provide to the Defendant the reports by the Plaintiff's ESI vendor of the "hits"/yield from running the 24 separate searches requested by the Defendant, and the Plaintiff's ESI vendor shall include the megabytes/size of each hit.

6. By April 20, 2018, the Defendant shall select up to 3000 of the hits for the ESI vendor to produce.

7. May 15, 2018 is the deadline for the Plaintiff to produce to the Defendant the content of the up-to 3000 hits Defendant selected for production. May 22, 2018, is the deadline for the Plaintiff to serve its privilege log for content selected by the Defendant but not produced due to Plaintiff asserting privilege.

### **Modifications to Rule 16 Schedule**

8. Paragraphs 4-7 of the October 19, 2017 Rule 16 Case Management Order are modified to provide as follows.

4. Fact Depositions—The parties shall take and complete fact witness (including party) depositions by not later than July 20, 2018.

5. Primary Expert Disclosures—The parties shall make their primary expert disclosures by not later than June 15, 2018.

6. Rebuttal Expert Disclosures—The parties shall make their rebuttal expert disclosures by not later than July 6, 2018.

7. Expert Depositions—The parties shall complete expert depositions by not later than July 30, 2018.

The remainder of the deadlines in paragraphs 8-10 of the Rule 16 Order have not been modified and are in effect.

## **Rationale for ESI Procedures**

9. The reason for the 3000 limit on selection of ESI hits is to maintain the cost of ESI discovery proportionate to the claims, and recovery and relief sought in the case. That proportionate cost of ESI discovery has been estimated by Counsel and the Court to be \$25,000 per Plaintiff and Defendant which includes the ESI vendor running the terms on the devices, producing a report, Counsel reviewing for privilege the opposing side's selections, and production of the selections and a privilege log. Cost shifting on the ESI discovery in issue is held in abeyance until further order.

*/s/ Ellen Hobbs Lyle*

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ELLEN HOBBS LYLE  
CHANCELLOR  
BUSINESS COURT DOCKET  
PILOT PROJECT

cc by U.S. Mail, email, or efile as applicable to:

Bryan K. Williams  
J. Alex Little  
W. Justin Adams  
John R. Jacobson  
D. Andrew Curtis