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04-CV-118

Mr. Peter G. McCabe  
Administrative Office of the U.S. Courts  
One Columbus Circle, N.E.  
Washington, D.C. 20544

Dear Mr. McCabe:

I have had bad experiences with E-Discovery and Privilege Practice. I think that the electronic discovery rules that are proposed for Federal Court hurts the plaintiff Bar. I don't feel that the rules need to be changed and that these rules will change the traditional way of pleading in the United States of America. I am having problems with defendants producing information as they are claiming that the information "is reasonably accessible" and this has been a problem for me in being stone-walled on discovery. I am referring to Rule 26(b)(2). I also have a problem with the defendants getting a free pass for spoliation under the proposed Rule 73 which would exempt sanctions when the defendants destroy electronic files through "routine" use of their document retention systems even if the system is set up with short term periods for destruction.

I would recommend that the committee not amend the rules allowing electronic discovery in the Federal Courts.

Very truly yours,

THE FLOYD LAW FIRM P.C.

  
Walter L. Floyd

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