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Salutation:

First: Floyd
MI: E.
Last: Ivey
Org: Liebler, Ivey, Connor, Berry & St. Hilaire
MailingAddress1: Box 6125
MailingAddress2: 1141 N. Edison Suite C
City: Kennewick
State: Washington
ZIP: 99336
EmailAddress: feivey@3-cities.com
Phone: 509 948 0943
Fax: 509 735 3585
CivilRules: Yes
Comments:

Re: proposed Fed Rule E-Discovery Changes:

1. I oppose the change proposed via "Rule 26(b)(2)." Responding parties presently via a request is unduly burdensome and assume the burden of demonstrating such burden in a motion to compel. And be subject to imposition of atty fees should the burden not be outside the scope of that experienced by all parties in responding. There is no suggestion of a standard re: "not reasonably accessible".
2. I oppose the change proposed via "Rule 26(b)(5)(B)". The matter of having privileged information/material requested places a burden on the responding party. It is common to enter into a protective order, pre-response, relative to trade secret issues. Such is the burden already understood by responding counsel and is routinely addressed. Adding a step of providing materials, allowing time to examine, catalogue and annotate and then having the power via a demand to destroy or return all will add additional hours. This is an unreasonable expense to extend to the party.
3. I oppose the "Rule 37. (f)" spoliation proposal. Short destruction times are currently recognized mechanisms of destruction of "evidence" rather than comprising a legitimate file organization/control function. The ease of search and the ever declining cost of electronic storage obviously forms the basis for a rule requiring years of retention of electronic data for use in the case which may not arise until an infant reaches and exceeds the majority age.

Floyd E. Ivey, WSBA 6888; USPTO 35552
Attorney at
Law
Liebler, Ivey, Connor, Berry & St. Hilaire
Box 6125
1141 N.
Edison, Suite C
Kennewick, Wa 99336
509 735 3581
509 735
3585(fax)
509 948 0943(cell)
feivey@3-cities.com

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