

**United States District Court, Northern District of Illinois**

<b>Name of Assigned Judge or Magistrate Judge</b>	Ronald A. Guzman	<b>Sitting Judge if Other than Assigned Judge</b>	Nan R. Nolan
<b>CASE NUMBER</b>	02 C 5893	<b>DATE</b>	3/17/2006
<b>CASE TITLE</b>	Jaffe vs. Household Intl Inc, et al		

**DOCKET ENTRY TEXT**

Minute Order entered regarding parties' March 16 and 17, 2006 letters to the court.

■ [ For further details see text below.]

Notices mailed by Judicial staff.

**STATEMENT**

On March 16, 2006, Plaintiffs submitted a letter requesting the court’s assistance in resolving a discovery dispute relating to the upcoming deposition of Thomas Schneider, Household’s former Director of Policy and Compliance. Specifically, Plaintiffs claim that Household has failed to search and produce Mr. Schneider’s email and personal files, and has instead referred the Class to some 386,000 pages produced from the Consumer Lending - Policy and Compliance Department. In a letter dated March 17, 2006, Household responds that Mr. Schneider left the Company on or around January 1, 2003 and that his “individual” files have been incorporated with those of the department in general. In addition, Household has not been able to locate an email box for Mr. Schneider because a technical analyst mistakenly reused email back-up tapes around January 2003 when Schneider left the company.

Plaintiffs submitted a second letter on March 17, 2006 requesting that the court order the Household Defendants to (1) inform the Class which of the deponents noticed in the February 13 and March 1 notices have had their email boxes or files deleted; (2) allow the Class additional time to prepare for Mr. Schneider’s deposition to review the 386,000 documents; and (3) expand the 7-hour deposition time limit to permit proper examination of Mr. Schneider. Plaintiffs also want Household to confirm that “a search was done and no responsive documents were found for Mr. Schneider,” and to participate in a dialogue and exchange of information prior to court intervention.

The court is disappointed to once again receive a motion submitted in the form of a letter or status report. The court is also disappointed that the parties once again require an order to resolve issues upon which they largely agree. Specifically, the parties generally agree that (1) objections to deposition notices should be served 14 days prior to the deposition; (2) responsive documents should be produced seven days prior to the noticed deposition; and (3) if no responsive documents exist, counsel for the witness should be informed seven days prior to the deposition. The court expects the parties to adhere to these guidelines and to conduct thorough and complete document searches and productions.

As for Mr. Schneider, the court is satisfied with Household’s explanation that it no longer has any of his individual files because he is no longer a Household employee. The court is also satisfied that Household has explained the reason it is unable to produce Mr. Schneider’s email box. That said, the court recognizes the burden imposed upon the Class in attempting to sort through 386,000 documents to locate those that are relevant to Mr. Schneider. The court also recognizes that this issue may arise with other deponents who have similarly left the company.

**STATEMENT**

The court therefore directs the parties to work together to establish a search procedure of electronic data, including but not limited to key word searches or other methods that will assist Plaintiffs in locating documents that pertain to Mr. Schneider (or to any other noticed deponent whose individual files no longer exist). The parties will then set a mutually-convenient date for Mr. Schneider's (or any other relevant deponent's) deposition. The court declines to expand the seven-hour deposition limit at this time, but will reconsider the issue if the parties are unable to narrow the scope of documents that must be addressed. The court also directs Household to identify within one week of this Order all noticed deponents whose email boxes or files have been deleted.

In addition, the court hereby advises the parties that it will no longer consider issues raised in letter or "status report" format without proper notice. *See, e.g., Lindell v. McCaughtry*, No. 01-C-209-C, 2003 WL 23192724, at \*1 (W.D. Wis. July 18, 2003) ("In the future, I will read plaintiff's letters to me as informative documents nothing more. I will not act on any request for action contained in the letter. Plaintiff must put all future requests for court action in the form of a formal motion.") Nor will the court accept any motion in which the parties have failed to engage in extensive efforts to resolve the matter through the meet and confer process. Such discovery motions should not consist of a mere recitation of the parties' discussions and correspondence efforts, but should concisely explain any unresolved issues and the reasons for the parties' inability to reach an agreement.

The court reminds the parties that they are expected to meet and confer in good faith, and that communication must take place face to face or by telephone. The mere exchange of correspondence will not normally be sufficient to comply with Local Rule 37.2. Any motion the court deems to be without merit will be stricken.