

Case Summary

In re Lowe's Company

134 S.W.3d 876 (Tex. App., 2004)

Order Compelling Production of Database During Deposition Ruled Overbroad

In a personal injury case, the defendant appealed a court order compelling the production of a database, which was used to compile information on accidents and injuries that occurred in the defendant's stores. The order instructed that during an upcoming deposition, the defendant needed to bring either: the database and application necessary to search, sort, and print data from it; or computer access to the database that would enable searching, sorting, and printing data as requested by the plaintiff's counsel. The defendant challenged the order on the ground that it was overbroad, and that complete access to the database would provide plaintiff with privileged and irrelevant information. Furthermore, the defendant alleged that the manner in which it gathered information concerning accidents in its stores was a trade secret.

Decision

The appellate court sided with the defendant and stating that discovery should be limited to matters that are relevant to the case, and that "requests for information that are not reasonably tailored as to time, place, or subject matter amount to impermissible 'fishing expeditions'." Holding that the discovery order was overbroad, the appellate court issued a writ of mandamus vacating the portion of the order that required production of the defendant's database.

Production of Electronic Documents