

## Case Summary

### Northern Crossarm v. Chemical Specialties, Inc.

2004 WL 635606 (W.D. Wis. 2004)

#### **Party Must Specify the Format for Production of E-Documents**

During discovery proceedings, the plaintiff requested copies of the defendant's emails. The defendant produced copies of the emails that the plaintiff had requested, but did so in hard copy. When the plaintiff received the hard copies of the emails, which totaled 65,000 pages, the plaintiff then stated that it wanted the emails in electronic format. The defendant claimed that electronic reproduction would be too time consuming and expensive. When the plaintiff originally requested the material under rule 34(a) of the F.R.D, it did not specify what format it wanted the documents in.

#### **Decision**

The court held that the defendant was compelled only to provide the documents in the form that the defendant used them in during the normal course of business. A mimicking of this form, for example paper copies of electronic communications, would also have been acceptable. If however, the plaintiff had requested the documents in a specific format, then the defendants would have had to either comply with the request, compromise with the plaintiff, or seek shelter from the court. In this case however, since the plaintiff did not initially seek a specific format for production of the documents, the court was unwilling to require that the defendants reproduce the information electronically.

Preservation Orders for Computer Forensic Evidence