

## Case Summary

### Portis v. City of Chicago

2004 WL 1535854 (N.D. Ill. 2004)

#### **Plaintiffs' Electronic Database Held Discoverable As A "Fact Work Product"**

The plaintiffs filed a class action suit against the City of Chicago for detaining people for hours after the completion of administrative processes associated with non-custodial ordinance violations. The plaintiffs had created a database that organized the names, and certain pertinent information for individuals who would be considered as part of the class for purposes of the suit. The defendant filed a motion to compel access to this database, stating that it had a real need for the information, and that it could not obtain the information in the database without undue hardship. Since the plaintiffs created the database in anticipation of litigation, the issue before the court was whether the database was "fact work product", or "opinion work product".

#### **Decision**

The court reasoned that since the information in the database was so extensive, it did not contain any specific insight into the plaintiffs' legal strategy. Based on this, the court held that the database was "fact work product" and that sharing the database with the defendant would not seriously prejudice the plaintiffs; the court granted the defendant's motion to compel. In addition, the court held that the defendant's would have to split the costs of the creation of the database with the plaintiff.

Preservation Orders for Computer Forensic Evidence  
Production of Electronic Documents