

Case Summary

Super Film of Am., Inc. v. UCB Films, Inc.

219 F.R.D. 649 (D. Kan., 2004)

Party Cannot Shift Electronic Discovery Obligations Unless an Undue Burden Exists

In an action for breach of contract, the defendant filed a motion to compel the plaintiff to produce electronic versions of documents including e-mails, databases, and spreadsheets. In its response to the motion to compel, the plaintiff stated that it attempted to provide electronic copies of the documents requested within its "knowledge or expertise". The plaintiff argued that it did not have the expertise to recover any further electronic documents and the court's order requiring such production would be unduly burdensome. As an alternative to a court order compelling production, the plaintiff proposed to make its computers available to the defendant's technicians to inspect and make copies of any responsive electronic files or documents.

Decision

The court found that the plaintiff's conclusory contention that it did not have the expertise to retrieve such electronic data to be inadequate. The court stated that it "cannot relieve a party of its discovery obligations based simply on that party's unsupported assertion that such obligations are unduly burdensome. The party opposing electronic discovery on the grounds of undue burden must provide sufficient detail and explanation about the nature of the burden in terms of time, money and procedure which would be required to produce the requested documents."

Furthermore, the court agreed with the defendant that allowing the plaintiff to satisfy its electronic discovery obligations by simply turning over its two computers to the defendant for inspection would unfairly shift the burden and expense of discovery. As such, the court ordered the plaintiff to produce the electronic documents within 30 days.

Production of Electronic Documents