

Case Summary

Zakre v. Norddeutsche Landesbank

2004 WL 764895 (S.D. N.Y. 2004)

Index of Documents on a CD-ROM Is Not Required When the Contents of the Disk are Searchable

Defendant provided the plaintiff with two CD-ROM disks upon which the plaintiff filed a motion to compel further discovery. The defendant had already reviewed the disks to ensure that none of the defendant's privileged information was on the disks; the defendant did not however, review the disks to single out the files that were responsive to the plaintiff's request.

Decision

The court held that as long as the disks were searchable, the defendant did not have to provide the plaintiff with an index of the documents, nor did the defendants have to search the disks themselves for files that were responsive to the plaintiff's requests. Therefore, the defendant did not have to provide further discovery with respect to the CD-ROM disks that it had already turned over to the plaintiff.

**Computer Forensic Search Protocol
Production of Electronic Documents**