

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SA CV 22-00099-DOC-DFM

Date: January 26, 2022

Title: JOHN C. EASTMAN V. BENNIE G. THOMPSON ET AL.

PRESENT:

THE HONORABLE DAVID O. CARTER, JUDGE

Karlen Dubon
Courtroom Clerk

Not Present
Court Reporter

ATTORNEYS PRESENT FOR
PLAINTIFF:
None Present

ATTORNEYS PRESENT FOR
DEFENDANT:
None Present

**PROCEEDINGS (IN CHAMBERS): ORDER RE: PRODUCTION AND
PRIVILEGE LOG**

The Court previously ordered the parties to “begin work on production and creating a privilege log on Tuesday, January 25, 2022 by 12:00 pm Pacific.” Order (Dkt. 41). In that Order, the Court requested that parties file joint status reports to summarize the progress made and any disputes that the parties are facing in production. The Court noted that it “expects that the parties will work together with the urgency that this case requires.” *Id.*

The Court is in receipt of the Select Committee and Chapman University’s Joint Status Report (“Defendants’ Report”) (Dkt. 47) and Dr. Eastman’s Status Report (“Eastman Report”) (Dkt. 49). In his report, Dr. Eastman stated that he received the documents for review yesterday evening, Tuesday, January 25, 2022, and was able to complete “only a preliminary survey of the materials” last night. Eastman Report ¶ 1.

The Select Committee states that is “concerned about the pace of Plaintiff’s review.” Defendants’ Report at 2. Following the hearing, the Select Committee requested that Dr. Eastman provide:

(1) the set of documents reviewed that day over which Plaintiff is not claiming privilege; and

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SA CV 22-00099-DOC-DFM

Date: January 26, 2022

Page 2

(2) privilege log entries regarding any documents reviewed that day over which Plaintiff is claiming privilege.

Id. In response, Dr. Eastman’s counsel notified the Select Committee that he and Dr. Eastman “[were] going to try and start going through’ the documents tonight and tomorrow.” *Id.*

The Select Committee further proposed the following fields for Dr. Eastman’s privilege log:

- (1) Date and Time;
- (2) Bates Range of Document Withheld (or Page(s) Redacted);
- (3) Author;
- (4) All Recipients (Including CC and BCC);
- (5) General Description (including a description of any attachment(s) to the email);
- (6) Nature of Privilege;
- (7) Client Name (to be left blank if Plaintiff claims privilege over the client identity itself).

Id. Dr. Eastman responded that he was “not willing to agree to particular deadlines or requirements beyond those contained in the subpoena itself and the Court’s orders.” *Id.* Dr. Eastman and his counsel did represent their intention to “comply with the court’s orders in good faith as expeditiously as [they] can.” *Id.*

Given the urgency of the investigation and the volume of documents, the Court finds that a more detailed production schedule is necessary and appropriate. Accordingly, the Court **ORDERS** as follows:

1. Dr. Eastman shall use an electronic discovery program to facilitate efficient production and privilege log creation.
2. The Select Committee shall assume any cost of using such an electronic discovery program.
3. Dr. Eastman shall be responsible for Bates-numbering the pages and shall report the total number of pages to the Court by 5:00 pm PST on Friday, January 28, 2022.
4. Beginning on Friday, January 28, Dr. Eastman shall be responsible for reviewing and processing 1500 pages per business day. Dr. Eastman shall notify the Court of any issues he faces in maintaining that pace.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SA CV 22-00099-DOC-DFM

Date: January 26, 2022

Page 3

5. Each business day, Dr. Eastman shall produce any documents and related metadata he deems unprivileged to the Select Committee.
6. Each business day, Dr. Eastman shall provide a privilege log covering any documents and related metadata he deems privileged to the Select Committee and the Court. The privilege log shall be filed under seal to protect the privacy of non-parties.
7. The privilege log shall include the following fields:
 - a. Date of communication or document creation;
 - b. Bates range of documents withheld (or page(s) redacted);
 - c. Author and position;
 - d. Recipients (including CC and BCC) and their position(s);
 - e. General description (including description of any attachment(s));
 - f. Client name (to be left blank if Dr. Eastman asserts privilege over the client identity);
 - g. Privilege(s) asserted.
8. Within 3 business days of receiving each day's privilege log, the Select Committee shall file under seal those privilege log entries it challenges and a brief description of its objections.
9. Within 1 business day of receiving the Select Committee's objections, Dr. Eastman shall file any challenged documents under seal for in camera review by the Court.
10. As the review process nears its conclusion, the Court will set a briefing and hearing schedule on the asserted privileges and objections.

The Court appreciates the parties' continued diligence throughout this process. The joint status report remains due on Friday, January 28 at 2:00 pm PST, and the Status Conference remains as scheduled on Monday, January 31, 2022, at 2:00 pm PST.

The Clerk shall serve this minute order on the parties.

MINUTES FORM 11

Initials of Deputy Clerk: ts

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