

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.: CV 25-05340-ODW (RAOx) Date: March 11, 2026
Title: Matthew R. Walsh v. Rokoko Electronics et al.

Present: The Honorable ROZELLA A. OLIVER, U.S. MAGISTRATE JUDGE

Eddie Ramirez
Deputy Clerk

N/A
Court Reporter/Recorder: N/A

Attorneys Present for Plaintiff(s):

N/A

Attorneys Present for Defendant(s):

N/A

Proceedings: (In Chambers) **ORDER RE: ESI PROTOCOL AND PLAINTIFF’S REQUEST FOR LEAVE TO FILE DISCOVERY MOTION**

This order addresses the parties’ submissions regarding an ESI Protocol, Dkt. Nos. 151, 152, and Plaintiff’s request for leave to file a motion to compel responses to requests for admission, which was emailed to the Court.

I. ESI Protocol

The parties raised their dispute regarding an ESI protocol at the February 4, 2026 informal discovery conference (“IDC”). Dkt. No. 145. The Court directed the parties to meet and confer after Plaintiff’s review of Defendant’s redline of Plaintiff’s proposed ESI protocol. *See id.* The Court directed the parties to file their stipulated ESI protocol or respective proposed versions. *See id.*

Plaintiff filed his proposed ESI protocol with argument in support on February 16, 2026, Dkt. No. 151, and Defendant filed its proposed ESI protocol with argument in support on February 20, 2026, Dkt. No. 152. The parties did not attach redlines. This makes it difficult for the Court to compare the two versions or choose one over the other. The major dispute between the parties is whether emails need to be produced in native format or TIFF format. Plaintiff requests production in native format. Defendant prefers TIFF format for emails.¹

Federal Rule of Civil Procedure 34(b)(2)(E)(ii) provides that “[i]f a request does not specify a form for producing electronically stored information, a party must produce it in a form

¹ Defendant agrees to produce other types of documents such as Excel files, PowerPoint files, or audio files, in native format. *See* Dkt. No. 152 at 2.

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or forms in which it is ordinarily maintained or in a reasonably usable form or forms.” The Advisory Committee’s notes explain that the requesting party may designate the form or forms in which it wants electronically stored information produced. Fed. R. Civ. P. 34(b) Advisory Committee’s Note to 2006 Amendment. If the responding party objects to a form that the requesting party specifies, it “must state the form it intends to use for producing electronically stored information” in its written discovery responses. *Id.*

Defendant contends that TIFF production has advantages because native emails can be modified post-production, TIFF files allow Defendant to assign page-level Bates-stamping, TIFF files provide greater standardization across review platforms, and TIFF files allow for precise, irreversible redactions. Dkt. No. 152 at 4. Although the Court agrees that TIFF production may be appropriate for emails where a party has not requested native production, *see U.S. ex rel. Carter v. Bridgepoint Educ., Inc.*, 305 F.R.D. 225, 244-45 (S.D. Cal. 2015), it is also not improper or inappropriate for Plaintiff to request native production. *See Morgan Hill Concerned Parents Assoc. v. Cal. Dep’t. of Educ.*, No. 2:11-cv-3471 KJM AC, 2017 WL 445722, at *4 (E.D. Cal. Feb. 2, 2017) (distinguishing *Bridgepoint* because the requesting parties there had not made a specific request for native production). Addressing Defendant’s first three reasons for TIFF production, it appears that they can be addressed by producing non-privileged emails in both TIFF and native format. As to emails that require redaction for privilege, the Court agrees that native production would be unwieldy. The Court cannot make any further determination as to whether TIFF and/or native production is appropriate without information on the universe and/or volume of emails at issue.

The Court leaves it to the parties to decide whether they would like to attempt to agree on an ESI protocol based on the above guidance, or if they will proceed on a request-by-request basis. In the latter situation, if a party would like production in a certain format, the request(s) must be clear as to the requested format. The responding party may object to the requested format within its written response. An objection based on burden must be supported by evidence, such as a declaration.

II. Plaintiff’s Request for Leave to File a Motion to Compel

Plaintiff seeks leave to file a motion to deem Requests for Admission (“RFAs”) admitted. Defendant objects, arguing that the parties have not exhausted meet and confer discussions.

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Although Defendant contends that it is still reviewing Plaintiff’s RFAs and that meet and confer efforts have not been exhausted, Defendant does not dispute that the parties have met and conferred on February 12, 2026 and on March 4 and 5, 2026. The Court orders the parties to complete their meet and confer efforts by **March 20, 2026**.

After completion of the meet and confer efforts, Plaintiff shall prepare a table to present the motion to compel to the Court. The table should have columns for the RFA number at issue, the text of the RFA, Defendant’s written response to the RFA, Plaintiff’s moving arguments as to that RFA, and Defendant’s responsive arguments as to that RFA. The rows in the table should correspond to each RFA at issue. To the extent an argument for an RFA is the same as the argument for a prior RFA, the parties may refer to the prior argument (*i.e.*, “*See RFA No. _.*”). Plaintiff should complete the table except as to the column for Defendant’s responsive arguments. Plaintiff shall email the table in a Word document to Defendant’s counsel. Defendant’s counsel will have seven days to complete the column for Defendant’s responsive arguments. Plaintiff shall file the completed table as a motion to compel upon receipt of Defendant’s portion.

The parties shall have seven days from the date of filing of the motion to compel to file supplemental briefs, no longer than 5 pages each, with any further responses to the other side’s arguments.

The Court will take the motion under submission thereafter, unless it determines a further hearing is necessary.

IT IS SO ORDERED.

Initials of Preparer :
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