

Sedona E-Discovery Evening at the University of Florida

Mock E-Discovery Problem

Farmco is a large manufacturer of farm equipment with world headquarters in Atlanta. Peter Plaintiff, a Gainesville resident, was an accomplished engineer with Farmco who designed high-performance luxury tractors. Two years ago he was given a special recognition from Road & Track magazine for having designed the only piece of farm equipment selected to be test-driven by their editors. Despite winning awards, Farmco's luxury tractor line was not profitable, and the company decided to end further development and production of luxury tractors. Peter was offered a new position designing high-performance luxury lawn mowers for Farmco, which he refused, proclaiming on several industry blogs and chat rooms that the concept of high-performance luxury lawn mowers was socially and morally indefensible. He quit Farmco and filed suit in Florida federal court for constructive discharge and for compensation he claims is owed to him. Farmco countersued for violation of the non-competition agreement Peter signed upon joining Farmco, based on information that Peter has been selling engineering research and product development information he obtained while still an employee at Farmco to a competitor.

Peter alleges that Farmco management intentionally scuttled the luxury tractor line and has requested that Farmco produce extensive electronically stored information related to Farmco's marketing and sales of farm equipment, including email and databases going back ten years. Farmco objects that the proposed discovery is burdensome, overbroad, seeks discovery of electronically stored information from sources it states are not reasonably accessible, and seeks highly sensitive trade secret information. In addition, Farmco has moved for an order allowing it direct access to Peter's laptop and home computers, stating that Peter cannot be relied upon to answer its discovery requests and is likely to have attempted to delete incriminating information. Farmco also intends to subpoena the competitor it believes Peter is in communication with. It has sent the competitor a formal notice to preserve "any and all" electronically stored information related to its development of high-performance luxury farm equipment, but has not named the competitor as a party.

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