

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

SONY BMG MUSIC ENTERTAINMENT,
et al.,

Plaintiffs,

vs.

KIMBERLY ARELLANES,

Defendant.

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CASE NO. 4:05-CV-00328-RAS

JUDGE RICHARD A. SCHELL

ORDER RE: INSPECTION AND COPYING OF COMPUTER HARD DRIVE

Having considered Plaintiffs’ motion for reconsideration of the Court’s Order Granting In Part Plaintiffs’ Motion to Compel Discovery, and being sufficiently advised, the Court FINDS good cause for the relief requested and hereby GRANTS the motion (Docket No. 39). Pursuant to Federal Rule of Civil Procedure 26(c) for the protection of confidential information, IT IS HEREBY ORDERED:

1. Kimberly Arellanes (“Defendant”) shall make her computer hard drive available for imaging by Plaintiffs on or before March 21, 2007.
2. An expert in computer forensics selected by the parties shall make two (2) verified bit-images (i.e., mirror image copies) of the computer hard drive and shall create an MD5 or equivalent hash code to ensure that Defendant’s original hard drive is not altered and to ensure that the copies of Defendant’s hard drive are exact duplicates of Defendant’s original hard drive.
3. One copy of the computer hard drive shall be held by the agreed upon expert (the “Escrowed Image”). The second copy shall be given to Defendant’s counsel for privilege review. Following Defendant’s examination for privilege, Defendant shall produce a privilege log to

Plaintiffs and the parties shall meet and confer to resolve any disputes over Defendant's claims of privilege. After resolution of any disputes concerning Defendant's assertions of privilege, Plaintiffs shall have access to the Escrowed Image of the hard drive, minus the files as to which privilege has been asserted, in order to conduct a forensic inspection for information relevant to the allegations in Plaintiffs' Complaint for Copyright Infringement and in Defendant's Affirmative Defenses.

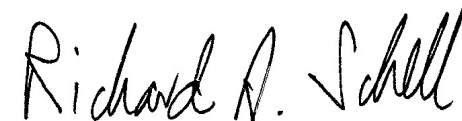
4. Defendant's copy of the mirror image and hash code signature will be provided to Defendant's counsel at Defendant's expense.

5. Plaintiffs' computer forensic expert may designate assistants ("Assistants") to help complete the forensic inspection of Defendant's hard drive.

6. No one aside from Plaintiffs' legal counsel (including such counsel's partners, associates, and employees working on this matter), Plaintiffs' expert (including Assistants), the Court, and qualified court reporters shall have access to the information on Defendant's computer, and the information on Defendant's computer shall be used only for purposes of this lawsuit.

7. After final resolution of this case, including all appeals, Plaintiffs shall destroy all images of Defendant's hard drive and shall confirm such destruction to the satisfaction Defendant.

SIGNED this the 13th day of March, 2007.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE