

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

SIDNEY LYLES,

Plaintiff,

v.

ALLSTATE INSURANCE COMPANY,

Defendant.

Case No. 3:20-03473-MGL

PROPOSED DISCOVERY PLAN

Defendant Allstate Insurance Company (“Allstate”), by and through the undersigned counsel, submits this Proposed Discovery Plan as required by Federal Rule of Civil Procedure 26(f)(3) and the Court’s Conference and Scheduling Order (Dkt. No. 14).

SUBPART (A):

What changes should be made in the timing, form, or requirement for disclosures under Rule 26(a), including a statement of when initial disclosures were made or will be made.

RESPONSE TO SUBPART (A):

Allstate does not believe that any changes should be made to the timing, form, or requirement for disclosures under Rule 26(a). Accordingly, the parties shall, per the Court’s June 2, 2021 Conference and Scheduling Order (Dkt. No. 14), exchange initial disclosures no later than July 6, 2021.

SUBPART (B):

The subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused on particular issues.

RESPONSE TO SUBPART (B):

Allstate believes that discovery is needed on the issues raised in Lyles's Complaint and the denials and defenses asserted in Allstate's Answer, including, but not limited to: (a) Lyles's alleged damages, if any, and his efforts to mitigate the same; (b) the parties' respective rights and obligations under the Allstate R3001S Exclusive Agency Agreement (the "EA Agreement"); (c) Lyles's term as an Allstate Exclusive Agent; (d) the termination of the EA Agreement, including the reasons therefor and notice(s) of the termination provided to Lyles; and (e) the parties' respective rights regarding the transfer of Lyles's economic interest in the Allstate Book of Business ("Book") he serviced following the termination of the EA Agreement.

Allstate believes that discovery need not be conducted in phases or limited to or focused upon particular issues beyond the existing limitations imposed by the Federal Rules of Civil Procedure, including Rule 26(b).

The parties disagree regarding the deadline to complete discovery. Allstate is prepared to comply with the Court's original Conference and Scheduling Order, which sets a deadline of November 29, 2021. (Dkt. No. 14.) Lyles has requested that the deadline to complete discovery be extended through and until December 31, 2021. (Dkt. No. 16-1.)

SUBPART (C):

Any issues about disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced.

RESPONSE TO SUBPART (C):

Allstate agrees to produce electronically-stored information in (a) hardcopy (paper) form or (b) via electronic storage devices (discs, flash drives, etc.) or secured file share containing paper equivalents, such as ".pdf" copies, unless there is a particular need for the underlying native format. Allstate agrees to identify electronically stored information by Bates-stamp

numbering.

Allstate agrees that it will meet and confer to discuss the following topics regarding the exchange of electronic stored information: (1) what devices and which custodians will be searched; (2) appropriate search terms; (3) a date range to be searched; and (4) how the search will be conducted. Should the parties fail to come to an agreement regarding one or more of the foregoing, the parties will request a conference with the Court to address any remaining issues.

SUBPART (D):

Any issues about claims of privilege or of protection as trial-preparation materials, including—if the parties agree on a procedure to assert these claims after production—whether to ask the court to include their agreement in an order under Federal Rule of Evidence 502.

RESPONSE TO SUBPART (D):

Allstate agrees that an inadvertent disclosure of privileged information will not be viewed by either party as a waiver of the applicable privilege and that the party asserting the privilege can “claw back” inadvertent disclosures of privileged documents or materials.

Allstate agrees that a protective order is necessary. A proposed protective will be submitted by Lyles’s counsel for review by Allstate’s counsel. Allstate will work together with Lyles to submit to the Court a proposed, agreed protective order.

SUBPART (E):

What changes should be made in the limitations on discovery imposed under these rules or by local rule, and what other limitations should be imposed.

RESPONSE TO SUBPART (E):

Allstate does not believe that any changes should be made to the limitations on discovery imposed under the Federal Rules of Civil Procedure or by local rule.

SUBPART (F):

Any other orders that the court should issue under Rule 26(c) or under Rule 16(b) and (c).

RESPONSE TO SUBPART (F):

Allstate agrees to meet and confer to discuss and submit an agreed protective order for the Court's review.

DATED: July 6, 2021

Respectfully submitted,

By: /s/ *Honore N. Hishamunda*

Honore N. Hishamunda
Federal Bar Id. No. 12578
hhishamunda@seyfarth.com
Lauren M. Gregory (*pro hac vice*)
lgregory@seyfarth.com
SEYFARTH SHAW LLP
1075 Peachtree Street, N.E., Suite 2500
Atlanta, Georgia 30309-3958
Telephone: (404) 885-1500
Facsimile: (404) 892-7056

Besma Fakhri (*pro hac vice*)
bfakhri@seyfarth.com
SEYFARTH SHAW LLP
233 South Wacker Drive, Suite 8000
Chicago, IL 60606
Telephone: (312) 460-5000
Facsimile: (312) 460-7000

*Attorneys for Defendant
Allstate Insurance Company*

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CERTIFICATE OF SERVICE

I certify that on July 6, 2021, I filed the foregoing **Proposed Discovery Plan** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following attorneys of record:

Eric S. Bland
ericbland@blandlaw.com
ERIC S. BLAND & ASSOCIATES
P.O. Box 72 Columbia, SC 29202

Ronald L. Richter, Jr.
ronnie@blandrichter.com
Scott M. Mongillo
scott@blandrichter.com
BLAND RICHTER
18 Broad Street, Mezzanine
Charleston, SC 29401

/s/ *Honore N. Hishamunda*
Counsel for Defendant