

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

ROSILES-PEREZ, et al.,	)	
	)	
Plaintiffs,	)	NO. 1:06-0006
	)	JUDGE HAYNES
v.	)	
	)	
SUPERIOR FORESTRY SERVICE,	)	
INC., et al.,	)	
	)	
Defendants.	)	

**O R D E R**

Before the Court is the Defendant’s motion for a determination of expert fees (Docket Entry No. 242), contending that the expert’s fee submission contains time entries for unrelated activities such as conferences with Plaintiffs’ counsel and attendance at the court hearing.

The Court allocated to Defendants the cost of producing their electronically stored information (“ESI”) as producing party. Zubulake v. UBS Warburg, 216 F.R.D. 280 (S.D.N.Y), and upon the Court’s finding of “inadequacies and serious questions about the adequacy and completeness of the Defendants’ ESI [production].” (Docket Entry No. 211, July 16, 2007 Hearing Transcript at p. 51). The appointment of this expert was to remedy Defendants’ ineffective litigation hold, their failures to identify their sources of ESI, and their failure to produce information, including entire data systems covered by the Court’s production order.

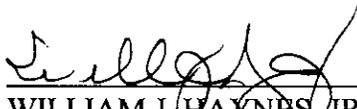
As to the expert, the Court’s order “requir[ed] Defendant[s] to compensate Mr. Saperstein in connection with this ESI” production. Id. The Court finds that the expert’s fee statement is reasonable. From mid-April through the end of July, the expert spent 85 hours on fact discovery assessing the status of Defendants’ preservation, identification and production of ESI; traveling

to Arkansas for two days of meetings to inspect Defendants' information system; implementing a litigation hold and developing ESI discovery plan. The Court deems conference with Plaintiffs' counsel to be necessary and the expert attendance at a conference on the Defendants' "emergency" motion to cut off ESI discovery and their proposed ESI order as appropriate and necessary given the conference's impact on his work.

For the period ending July 21, 2007, the Defendants shall compensate the expert eleven thousand four hundred seventy dollars (\$11,470) and his costs for a total of twelve thousand four hundred thirty dollars twenty cents (\$12,430.20), excluding the amount listed for Plaintiff's counsel.

It is so **ORDERED**.

**ENTERED** this the 25<sup>th</sup> day of July, 2008.

  
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WILLIAM J. HAYNES, JR.  
United States District Judge