

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CANAL INSURANCE COMPANY, <i>et</i>	:	
<i>al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	CIVIL ACTION NO.
	:	1:15-CV-03331-LMM
	:	
GOLDEN ISLES REINSURANCE	:	
COMPANY, LTD., <i>et al.</i> ,	:	
	:	
Defendants.	:	

ORDER

This order addresses a discovery dispute between the parties regarding Golden Isles's request for specific claims-level information from Canal. The Court conducted a telephone conference on this issue on September 19, 2017. The Court also reviewed written submissions from the parties that were provided after that telephone conference.

In summary, Golden Isles is requesting detailed information regarding each individual claim Canal submitted for reimbursement. Canal insists that the electronic data already provided to Golden Isles is sufficient because the reinsurance agreement does not allow Golden Isles to question the amount paid on the claim. In addition, Canal argues that requiring the production of

additional information would be disproportionate to its relevance because it is so burdensome to produce.

To some of the categories of information Golden Isles requests, the Court agrees with Canal and will not require Canal to produce it at this time. Specifically, Canal is not required to produce the following: amount of reserve loss set, allocated loss expenses, claims notes, attorney's notes, coverage notes, and copies of the policies.

The notice of claims, settlement agreements, and calculation questions require additional discussion.

As for the settlement agreements, the reason the settlement agreements contain relevant information is that they can verify the amount Canal paid on the claim. Although Canal has already provided this information to Golden Isles in spreadsheet form, the Court understands Golden Isles's request for information to verify those amounts. In response, Canal has offered to provide the check registers for these claims that contain this information, but Canal contends the check registers are less burdensome to produce. The Court finds that this is an acceptable solution to this discovery dispute. Canal is **ORDERED** to produce this information within 7 days of the date of this order. Golden Isles then has 14 days to review the check register information. If it has any additional questions on specific claims, it should then confer with Canal to obtain copies of the settlement agreements for those specific claims. If Canal objects to producing the

settlement agreements on this narrowed set of claims, it is directed to contact the Court for guidance.

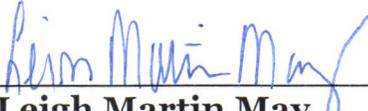
Golden Isles also requests documents showing the date that Canal first had notice of each individual claim. Golden Isles contends that this information may show that certain claims should not be covered by the reinsurance agreement because they fall outside the reinsurance contract dates. Canal has multiple objections to producing these documents. One of these arguments is that this issue only really arises as to those claims at the margin of the dates of the reinsurance agreements. The Court finds this argument persuasive. Accordingly, for each claim referenced on Canal's spreadsheets for which Canal has the claim date within 6 months of either the start or end of the reinsurance agreement, Canal is **ORDERED** to produce this information within 14 days of the date of this order. In addition, Golden Isles has 7 days to provide Canal with a list of any other claims for which it has identified a specific, articulable concern that the claims date might not be correct. It should then confer with Canal to obtain claims notice documentation for those specific claims. If Canal objects to producing the claims notice documentation on this narrowed set of claims, it is directed to contact the Court for guidance.

If for both the amount of settlement and claims date, Golden Isles identifies significant discrepancies between the spreadsheets and the backup documentation the Court orders produced, the Court will entertain a request for Canal to produce additional information if Golden Isles so requests.

Golden Isles also identifies specific questions it has relating to the claims data and how certain numbers were entered and calculated. This serves as a basis for its request for other categories of documents. The Court recognizes that Golden Isles is entitled to answers to these questions, but also finds that producing large quantities of documents is not the most efficient manner in which to address this. As an alternative solution, the Court **ORDERS** Canal to produce a 30(b)(6) witness who can address the questions that Golden Isles discusses in its memorandum concerning the calculations. Golden Isles should provide the questions it would like answered in its 30(b)(6) notice. Golden Isles is also entitled to ask reasonable follow up questions to these questions. Canal is to provide dates to Golden Isles for this deposition within 7 days of the date of this order.

The Court is mindful that there are additional discovery disputes the parties have identified. These will be addressed separately.

IT IS SO ORDERED this 6th day of October, 2017.



Leigh Martin May
United States District Judge