

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**ANIMAL WELFARE INSTITUTE, et al.,**

**Plaintiffs,**

**v.**

**Civil Action No. 03-2006 (EGS/JMF)**

**FELD ENTERTAINMENT, INC.,**

**Defendant.**

**ORDER**

Currently pending and ready for resolution is Plaintiffs' Motion for Leave to Take Limited Discovery [#673]. One of plaintiffs' demands is that FEI produce its attorney billing records in "their searchable and native Microsoft Excel or native billing software format." [#673-1] at 6. FEI contends that "(1) the documents do not exist in sortable Excel format, (2) Excel format would not protect FEI's privilege redactions that Plaintiffs cannot and do not challenge; (3) Excel format would not reflect the color-coding of the exhibits; and (4) FEI is not obligated to undertake the time, effort, and expense of creating new documents, to Plaintiffs' specifications." Defendant Feld Entertainment, Inc.'s Opposition to Plaintiffs' Motion for Leave to Take "Limited" Discovery [#677] at 15-16.

Whatever their position, as Special Master, I require the time entries in an Excel-compatible delimited value spreadsheet format such as comma-separated value (CSV). In the past, I have used an Excel format to sort entries by time keeper or date and to run totals (on, for example, the amount of time spent by all timekeepers on a particular task, such as drafting a motion). Indeed, I usually attach an Excel spreadsheet to my opinions resolving fee petitions. The spreadsheet summarizes arithmetically the deductions I have made and what amounts I have

permitted. See, e.g., Johnson v. District of Columbia, 850 F. Supp. 2d 74, 85-86 (D.D.C. 2012).

I intend to follow that procedure here.

To that end, I will hold a one day evidentiary hearing, at which I expect knowledgeable representatives, such as billing database managers, from 1) Fulbright, 2) Covington, and 3) Troutman Sanders to be prepared to demonstrate the billing software used during their representation of FEI in the instant action. I also expect the representatives to be prepared to testify to the following issues:

1. Explain and demonstrate live (e.g. not in a PowerPoint presentation but in the actual database) how, within their particular software program(s), an individual timekeeper makes an entry; what is recorded in that entry; how that entry is saved; who reviews that entry; how that entry is edited or altered for privileges or in an exercise of billing discretion; how that altered entry is saved; and finally, in what format the final bill is sent to the client.

2. Explain why that data saved within their particular software program(s) is NOT, through the use of commercially available software, capable of being converted into a sortable Excel-compatible delimited value spreadsheet format such as comma-separated value (CSV).

3. Explain why, if there exists data that was only saved in a .PDF format, it is NOT, through the use of commercially available software, capable of being converted into a sortable Excel-compatible delimited value spreadsheet format such as comma-separated value (CSV).

The parties are therefore, hereby, **ORDERED** to jointly contact chambers to schedule the evidentiary hearing.

**SO ORDERED.**

---

**JOHN M. FACCIOLA**  
**UNITED STATES MAGISTRATE JUDGE**