

2005 Mont. Dist. LEXIS 1216,\*;2005 ML 2191

CURTIS R. KRUER, and STEPHANIE G. KRUER, Plaintiffs and Counterdefendants,  
vs. THREE CREEKS RANCH, LLC, and REID L. ROSENTHAL, Defendants and  
Counterclaimants.

Cause No. DV-29-03-18

FIFTH JUDICIAL DISTRICT COURT OF MONTANA, MADISON COUNTY

2005 ML 2191;2005 Mont. Dist. LEXIS 1216

May 27, 2005, Decided

**JUDGES:** [\*1] Wm. NELS SWANDAL, District Judge.

**OPINIONBY:** Wm. NELS SWANDAL

**OPINION:**

**ORDER REGARDING COMPUTER HARDWARE AND SOFTWARE**

THE COURT, having reviewed the plaintiffs' and defendants' neutral third party computer expert disclosures, hereby makes the following orders:

1. The Court hereby appoints S. Jimmy Weg, Weg Computer Forensics, LLC to conduct the inspection as an officer of the Court. The parties shall abide by the conditions and shall cooperate in fulfilling the criteria in this Court's order of May 4, 2005 granting defendants' renewed request to enter and inspect computer hardware and software, to wit:

- a. The parties, with expert assistance, shall agree on the scope of the inspection, including target computers or servers, target individuals, departments, or data collections, date ranges, search terms, or other scope-defining criteria. The parties shall also agree upon the form of the eventual production of relevant material;
- b. The expert shall create a "mirror image" of the computer data using accepted computer forensic procedures that preserve the integrity of the original evidence;
- c. The expert shall execute the search on the "mirror image" and shall [\*2] identify relevant data according to the agreed-upon specification;

- d. The expert shall turn over the responsive data to the Plaintiffs' counsel;
- e. Plaintiffs' counsel shall review the responsive data for relevance and privilege;
- f. Plaintiffs' counsel shall produce all relevant, non-privileged data to the requesting party in the form agreed upon by the parties; and
- g. The defendants shall pay all costs associated with this process. Should costs exceed the amount of \$ 2,500.00 now deposited with the Clerk of District Court, the defendants shall pay the excess costs within twenty (20) days from the date of final billing.

DATED this 27th day of May, 2005.

Wm. NELS SWANDAL, District Judge