

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

| | | |
|---------------------------------------|---|---------------------------|
| COLUMBUS LIFE INSURANCE COMPANY, |) | |
| |) | |
| Plaintiff, Counterclaim Defendant, |) | |
| |) | |
| v. |) | C.A. No. 20-cv-735-MN-JLH |
| |) | |
| WILMINGTON TRUST, N.A., as Securities |) | |
| Intermediary, |) | |
| |) | |
| Defendant, Counterclaim Plaintiff. |) | |
| _____ |) | |
| |) | |
| COLUMBUS LIFE INSURANCE COMPANY, |) | |
| |) | |
| Plaintiff, Counterclaim Defendant, |) | |
| |) | |
| v. |) | C.A. No. 20-cv-736-MN-JLH |
| |) | |
| WILMINGTON TRUST, N.A., as Securities |) | |
| Intermediary, |) | |
| |) | |
| Defendant, Counterclaim Plaintiff. |) | |
| _____ |) | |

ORDER

WHEREAS, Non-Party South Bay Partners GRP, LLLP (“SBP”) has filed motions to quash subpoenas served on it by Plaintiff Columbus Life Insurance Company (“Columbus Life”) (No. 20-735, D.I. 45; No. 20-736, D.I. 44);

WHEREAS, the subpoenas at issue are substantially similar;

WHEREAS, it is apparent from the lengthy briefs filed in connection with SBP’s motions to quash that the disputing parties have not made good faith efforts to resolve this dispute before approaching the Court (No. 20-735, D.I. 45, 49, 51; No. 20-736, D.I. 44, 48, 50);

NOW, THEREFORE, IT IS HEREBY ORDERED that Columbus Life and SBP must meet and confer regarding SBP's objections to Columbus Life's subpoenas in an attempt to resolve or narrow this dispute.

1. The meet and confer shall occur on or before February 24, 2021 and shall include at least one Delaware attorney for each side. In addition to any other issues the parties wish to raise, the parties shall discuss the following topics:

a. whether the subpoenas should be modified to specify a particular time period;

b. whether the subpoenas should be limited to documents relating to policies CM5011660U and CM5012414U and/or the particular insureds in those policies;

c. whether and why the request for trust-related documents should be limited to the trusts that originally owned the alleged STOLI policies;

d. whether the insureds in policies CM5011660U and CM5012414U had any transactions with SBP that were unrelated to those policies;

e. whether it is burdensome for SBP to produce "deposition, hearing, or trial testimony" regarding "stranger-originated life insurance (STOLI), wagering policies, and/or insurable interest";

f. whether it is burdensome for SBP to produce "marketing materials" and related documents "specific to the KDI/Concordia Program," and whether SBP "knows exactly what documents" Columbus Life is requesting (*e.g.*, No. 20-735, D.I. 49 at 5-6);

g. whether Columbus Life seeks documents containing "highly sensitive personal information that has no substantial relation" to the issues in this litigation (*e.g.*, No. 20-

735, D.I. 45 at 7) and/or whether SBP's privacy concerns can be addressed with redactions and a protective order;

h. whether Columbus Life is correct that SBP "already understands what Columbus Life is looking for and . . . already knows where and how those documents are stored" (No. 20-735, D.I. 49 at 5);

i. whether SBP has already collected or will collect any of the requested documents to respond to subpoenas in other litigations;

j. the burden on SBP to respond to the subpoenas (as narrowed by agreement), including the number of documents it expects to produce and the cost to produce them (not including the cost to litigate motions to quash);

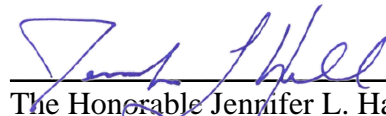
k. whether Columbus Life's requests take into account SBP's non-party status;

l. a reasonable timeframe for production; and

m. how the parties' respective positions on the above issues promote the goals of judicial economy and the just resolution of this dispute.

2. On or before February 25, 2021, the parties shall file a letter with the Court identifying by name each individual who participated in the meet and confer, when and how that meet and confer occurred and how long it lasted. The letter shall also contain a bullet-point list of any remaining points of disagreement. The Court will address any remaining disputes at the teleconference already scheduled for February 26, 2021.

Dated: February 17, 2021


The Honorable Jennifer L. Hall
United States Magistrate Judge