

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

RICHARD ALLEN CLARIDGE, individual
and trustee of the Joint Revocable Trust of
Richard Allen Claridge Jr. & Capri Lynn
Winser; CAPRI LYNN WINSER; individual
and trustee of the Joint Revocable Trust of
Richard Allen Claridge Jr. & Capri Lynn
Winser; TODD MICHERO, an individual;
LORI MICHERO, an individual; BROOKE
SAMPLE, individual and trustee of the First
Amendment to the Brooke Sample Separate
Property Trust; SCOTT A. WALKER,
individual and trustee of The Walker Family
Living Trust; and ELIZABETH L.
WALKER, individual and trustee of The
Walker Family Living Trust, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

TIMOTHY J. LEFEVER, an individual;
KENNETH W. MATTSON, an individual;
LEFEVER MATTSON, INC., a corporation;
KS MATTSON PARTNERS, LP, a limited
partnership; LEFEVER MATTSON I, LLC, a
limited liability company; HOME TAX
SERVICE OF AMERICA, INC. (d/b/a
LEFEVER MATTSON PROPERTY
MANAGEMENT), a corporation; DIVI DIVI
TREE, LP, a limited partnership; and
SPECIALTY PROPERTIES PARTNERS,
LP, a limited partnership,

Defendants.

Case No. 4:24-cv-04093-JST

**~~[PROPOSED]~~ STIPULATED ORDER
REGARDING DISCOVERY OF
ELECTRONICALLY STORED
INFORMATION AND HARD COPY
DOCUMENTS**

1. PURPOSE

This Stipulation and Order (“Order”) regarding the production of Electronically Stored Information (“ESI”) and Hard Copy Documents (collectively, “Documents”) shall govern discovery of Documents in this case as a supplement to the Federal Rules of Civil Procedure, and any other applicable orders and rules. Nothing in this Order is intended to limit the parties’

obligations under the Federal Rules of Civil Procedure. Any disputes arising out of the production of Documents subject to this Order shall be resolved according to Federal Rules of Civil Procedure, Local Rule 26, and the Court's Standing Orders.

2. COOPERATION

The parties are aware of the importance the Court places on cooperation and commit to cooperate in good faith throughout the matter consistent with this Court's Guidelines for the Discovery of ESI.

3. LIAISON

The parties have identified liaisons to each other who are and will be knowledgeable about and responsible for discussing their respective ESI. Each e-discovery liaison will be, or have access to those who are, knowledgeable about the technical aspects of e-discovery, including the location, nature, accessibility, format, collection, search methodologies, and production of ESI in this matter. The parties will rely on the liaisons, as needed, to confer about ESI and to help resolve disputes without court intervention.

4. PRESERVATION AND IDENTIFICATION OF ESI

A. The parties have discussed their preservation obligations and needs and agree that preservation of potentially relevant ESI will be reasonable and proportionate. The parties have exchanged a list of the types of ESI they believe should be preserved and have discussed or will discuss the custodians, or general job titles or descriptions of custodians, for whom they believe ESI should be preserved, e.g., "HR head," "scientist," and "marketing manager." The parties shall add or remove custodians as reasonably necessary.

B. The parties will agree on the number of custodians per party for whom ESI will be preserved.

C. Within thirty (30) days following receipt of requests for production of Documents propounded by one party (the "Requesting Party"), or a later time if agreed to by the parties, the party to which such requests are directed (the "Producing Party") shall disclose the names of individuals and/or sources from which the Producing Party plans to collect Documents in response to the document requests. The custodians shall be identified by name, title, and

1 connection to the instant litigation. If a Producing Party is aware of inaccessible data that is
2 likely to contain unique, discoverable ESI, it will identify the source from which it claims the data
3 is not reasonably accessible to the Requesting Party.

4 D. Where applicable, sources of Documents include but are not limited to desktop
5 servers, computers, laptops, local hard drives, file servers, databases, SANs, NASs, email servers,
6 web servers, network home or personal file shares, any shared drives, document management
7 systems (DMS), record management systems (RMS), content management systems (CMS),
8 departmental/project/collaborative/shared storage spaces removable storage, email, removable
9 storage media, online data storage (*e.g.*, Dropbox or Google Drive), mobile phones and devices,
10 tablets, messaging applications or services, social media applications or services, and physical or
11 hard copy files and Documents.

12 E. Examples of data the parties agree not to preserve include: (a) deleted, “slack,”
13 fragmented, or unallocated data only accessible by forensics; (b) random access memory (RAM),
14 temporary files, or other ephemeral data that are difficult to preserve without disabling the
15 operating system; and (c) structural files not material to individual file contents (*e.g.*, .CSS, .XSL,
16 .XML, .DTD, etc.).

17 F. The parties shall have a continuing obligation to take reasonable and proportional
18 steps to identify and preserve custodial and non-custodial data sources that may contain
19 information that is relevant to the claims and defenses in this litigation.

20 5. SEARCH

21 The parties agree that in responding to requests for production of Documents, or earlier if
22 appropriate, they will meet and confer about methods to search ESI in order to identify ESI that is
23 subject to production in discovery and filter out ESI that is not subject to discovery. Such
24 methods may include, for example, the use of search terms, filters and date ranges or the use of
25 advanced search and retrieval technologies.

26 6. PRODUCTION FORMATS

27 The parties agree to produce Documents in the formats set forth in Appendix 1 and 2
28 hereto.

7. DOCUMENTS PROTECTED FROM DISCOVERY

The production of Documents (including both hard copy Documents and electronically stored information) subject to protection by the attorney-client^{privilege} and/or protected by the work-product, joint defense or other similar doctrine, or by another legal privilege protecting information from discovery, shall not constitute a waiver of any privilege or other protection, provided that the Producing Party notifies any party receiving such Documents (a “Receiving Party”), in writing, of the production after its discovery of the same.

If the Producing Party notifies the Requesting Party after discovery that privileged materials (hereinafter referred to as the “Identified Materials”) have been produced, the Identified Materials and all copies of those materials shall be destroyed, deleted, returned to the Producing Party, or otherwise segregated, on request of the Producing Party. The Receiving Party agrees to use reasonable efforts to segregate Identified Materials and any notes or work product (or portions of work product) reflecting the contents of any Identified Materials and the Receiving Party will not review or use such segregated Identified Materials and/or work product unless the Court determines the Identified Materials to not be privileged. The Identified Materials shall be deleted from any systems used to house the Documents, including document review databases, e-rooms and any other location that stores the Documents. The contents of the Identified Materials shall not be disclosed to anyone who was not already aware of the contents of them before the notice was made. The party returning the Identified Materials may move the Court for an order compelling production of some or all of the material returned or destroyed, but the basis for such a motion may not be the fact or circumstances of the production.

If any Receiving Party is in receipt of a Document from a Producing Party which the Receiving Party has reason to believe is privileged, the Receiving Party shall in good faith take reasonable steps to promptly notify the Producing Party of the production of that Document so that the Producing Party may make a determination of whether it wishes to have the Documents returned or destroyed pursuant to this Stipulated Protective Order.

1 The parties agree that this Order is an Order entered under Rule 502(d) of the Federal
 2 Rules of Evidence and thus the disclosure of Identified Materials is not a waiver of the privilege
 3 in any other federal or state proceeding.

4 This stipulated agreement set forth in this section and its subparts does not constitute a
 5 concession by any party that any Documents are subject to protection by the attorney-client
 6 privilege, the work product doctrine or any other potentially applicable privilege or doctrine.
 7 This agreement also is not intended to waive or limit in any way either party's right to contest any
 8 privilege claims that may be asserted with respect to any of the Documents produced except to
 9 the extent stated in the agreement.

10 8. MODIFICATION

11 This Order may be modified by a stipulation of the parties or by the Court for good cause
 12 shown.

13 9. MISCELLANEOUS PROVISIONS

14 A. Objections Preserved.

15 Nothing in this Order shall be interpreted to require disclosure of relevant information
 16 protected by the attorney-client privilege, attorney work-product doctrine, or any other applicable
 17 privilege or immunity. Except as provided expressly herein, the parties do not waive any
 18 objections as to the production, discoverability, authenticity, admissibility, or confidentiality of
 19 Documents and ESI.

20 B. Technical Variances.

21 Recognizing that each Producing Party may experience production issues due to data
 22 systems or files that may not be fully compatible with the technical specifications set forth herein,
 23 any practice or procedure set forth herein may be varied by agreement of the parties, confirmed in
 24 writing, to accommodate such issues and/or where such variance is deemed appropriate to
 25 facilitate the timely and economical production of Documents or ESI. No party shall
 26 unreasonably object to any such variance.

1 C. Privileged Documents and Privilege Log.

2 To the extent that a party reasonably determines that one or more responsive Documents
 3 are not discoverable or a portion of a Document needs to be redacted because it is subject to the
 4 attorney-client communication privilege or work product doctrine, or otherwise not discoverable
 5 on the basis of a recognized protection or privilege (collectively, the “Privileges” and each a
 6 “Privilege”), the party shall, within 30 days of the production from which Documents are
 7 withheld or redacted for privilege, produce a log treating each Document withheld or redacted for
 8 privilege from that production separately that sets forth: (a) the nature of the privilege(s) or other
 9 protection claimed; (b) the date of the Document; (c) the name of the author(s)/addresser,
 10 addressee(s) and all recipients of the Document (with respect to email threads, the
 11 author/addresser, addressee(s) and recipients of only the top email in the chain will be set forth in
 12 the author/addressee, addressee(s) and recipient fields of the log) and whether any person
 13 identified is an attorney or an employee of any Defendants’ legal department; (d) a description of
 14 the general subject matter contained in the Document and the type of Document (e.g., letter,
 15 memorandum, handwritten notes) sufficient to allow the Receiving Party to assess the claimed
 16 Privilege and/or to allow the Court to rule upon the applicability of the claimed protection; and
 17 (e) the custodian and/or location of the Document. For redacted Documents with multiple
 18 redactions, one log entry can be used to describe the multiple redactions, so long as a single entry
 19 is sufficient to adequately identify the basis for all redactions, as described in this paragraph.
 20 Names of counsel shall be designated with an asterisk.

21 Documents that are privileged and that post-date the filing of the original complaint need
 22 not be placed on a privilege log.

23 D. Hard Copy Document Storage.

24 During the pendency of this litigation, the parties shall make reasonable efforts to preserve
 25 the originals of all hard copy Documents as to which there may be issues of legibility of all or any
 26 part of the production copy. Each party reserves the right to request to inspect such original
 27 Documents of the opposing party or parties, which request shall not be unreasonably denied. If
 28 such request to inspect is denied, the party may seek relief from the Court.

1 E. Short Message Data.

2 Electronic messages exchanged between users on communication software such as
 3 Microsoft Teams and Slack shall be produced in a searchable format that preserves the
 4 conversational relationship and presentational features of the original messages, such as emojis,
 5 images, video files, and animations. Electronic messages must not be converted to unitized files
 6 that contain less than a 24-hour period of conversation. Redactions may be applied to privileged
 7 or non-responsive portions of a conversation. To the extent electronic messages cannot be
 8 produced in a reasonably useable format, the parties will meet and confer to address the
 9 identification, production, and production format of short message data.

10 F. Pointer Hyperlinks.

11 The parties agree that documents containing internal hyperlinks pointing to Documents on
 12 a system within a Producing Party's custody, possession, or control (e.g., such as an internal
 13 document management system, Google Drive, Google Docs, SharePoint, Office365, or similar
 14 document hosting and collaboration service) do not need to be produced in the first instance as
 15 part of the same family group as the Document residing at the location at which that hyperlink
 16 points. If there are particular Documents containing hyperlinks where the Document to which
 17 that hyperlink points cannot be located in the production, the Receiving Party may submit a list of
 18 such Documents by Bates number to the Producing Party, and the Producing Party will engage in
 19 reasonable efforts to locate the Document at that pointed ^{location} ~~located~~ and either identify it by Bates
 20 number or provide it if not already produced and not privileged.

21 G. Collaboration Tools.

22 The parties agree to produce the latest-in-time version of Documents stored on a
 23 collaboration or document management tool. To the extent the Receiving Party desires to receive
 24 previous versions of Documents, if any, the Receiving Party will identify the document(s) with
 25 specificity and the parties will engage in a meet and confer process relating to the same.
 26
 27
 28

1 H. Reproduction as Natives.

2 The parties agree that to the extent any party seeks production in native format of
 3 specifically identified ESI produced originally in TIFF form, the Producing Party shall respond
 4 reasonably and in good faith to any such request.

5
 6 Dated: September 6, 2024

/s/ Michael K. Sheen

Michael K. Sheen

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24 *Partners, LP*

25 IT IS ORDERED that the foregoing
26 ~~forgoing~~ Agreement is approved.

27 DATED: September 10, 2024


The Honorable Jon S. Tigar
United States District Judge

APPENDIX 1: PRODUCTION DELIVERY REQUIREMENTS

1. GENERAL PRODUCTION PROVISIONS

The parties have agreed that ESI should be produced as TIFF images and in Native Format where applicable with accompanying data and image load files.

A. TIFF Image Files

The parties agree that all Documents, with the exception of Documents produced in Native Format, will be produced as single-page black and white Group IV TIFF image files of at least 300 dpi resolution with 1 bit depth. Page size shall be 8.5 x 11 inches, unless in the reasonable judgment of the Producing Party, a particular item requires a different page size. Each image file will use the Bates number of the page as its unique file name. Original document orientation as displayed in the native file should be maintained in the TIFF image (i.e., portrait to portrait and landscape to landscape).

B. Text Files

Each Document produced under this Order shall be accompanied by a Document level text file containing all of the text for that Document, not one text file per page. Each text file shall be named to use the Bates number of the first page of the corresponding Document. The text files shall be generated by extracted text from native files and OCR text files from hard copy scanned Documents as applicable. To ensure optimal accuracy and quality, OCR software used for extracting text from native files and for processing hard copy scanned Documents shall be set to the highest quality setting. The .DAT load file shall include a link to the corresponding text file.

C. OCR Text File

The parties will provide searchable OCR text of any paper or imaged Documents.

D. Extracted Text Files from ESI

The parties shall extract the text of each ESI item directly from the ESI native file, where extracted text is reasonably available. For contacts and calendars collected and/or processed after the execution date of this Order, fields should be extracted and produced as text.

1 E. OCR Text for Redacted Documents

2 The parties will provide searchable OCR text for any redacted files.

3 F. Bates Numbering

4 1. Each TIFF image produced under this Order should be assigned a Bates
5 number that must: (1) be unique across the entire document production; (2) maintain a constant
6 length of nine numeric digits (including 0-padding) across the entire production; (3) contain only
7 alphanumeric characters, no special characters or embedded spaces; and (4) be sequential within a
8 given Document. The Producing Party will identify the Bates number range of each production
9 in a cover letter or production log accompanying the production. If a Producing Party skips a
10 Bates number or set of Bates numbers in a production, the Producing Party will identify and note
11 the gap in the cover letter or production log accompanying the production.

12 2. The Producing Party will brand all TIFF images in the lower right-hand
13 corner with its corresponding Bates number, using a consistent font type and size. If the
14 Receiving Party believes that a Bates number obscures the content of a Document, then the
15 Receiving Party may request that the Document be produced with the Bates number in a different
16 position.

17 G. Re-Production of Prior or Other Litigation Documents

18 Where a Requesting Party seeks re-production of a set of Documents produced in a prior
19 litigation or any other proceeding, or where a prior production of Documents or ESI by a party in
20 a prior litigation or any other proceeding is the only reasonably accessible source of those
21 Documents or ESI to be produced by a party in this litigation, the Producing Party may re-
22 produce such Documents in the manner in which they were produced in the prior case, including
23 all objective coding or metadata fields required by this protocol to the extent reasonably available
24 to the Producing Party as part of the productions set. For any such re-production in accordance
25 with this Paragraph, the Producing Party is not obligated to re-format the prior production in
26 accordance with the production specifications in ESI stipulation, but must provide Bates
27 numbering and confidentiality designations specific to this litigation.

1 H. Parent-Child Relationships

2 Parent-child relationships for all embedded ESI Documents (e.g., the association between
3 an attachment and its parent email, or a spreadsheet embedded within a word processing
4 Document), must be preserved by assigning sequential Bates numbers to all items within the
5 parent-child group, and identifying those Bates numbers in the relevant ESI metadata and coding
6 fields specified in Appendix 2. For example, if a party is producing an email with embedded
7 attachments, the attachments must be processed and assigned Bates numbers in sequential order,
8 following consecutively behind the parent email. Embedded images that are included in-line
9 within the parent document need not be extracted and produced separately. If a parent document
10 includes a hyperlink to external material, the Producing Party agrees to produce the linked
11 material upon reasonable request of the Requesting Party, to the extent the document is still
12 available and reasonably accessible.

13 I. Color Documents

14 If an original ESI Document contains color text, markings or graphics, and the Receiving
15 Party believes it is necessary to view such Document in its original color to understand its full
16 meaning or content, then the Receiving Party may request that the ESI Document be produced in
17 color format. The Producing Party shall then reproduce such Document(s) and/or ESI in color
18 JPEG format, or in Native Format. This section also applies to Documents that are produced as
19 TIFF images. Color images should be produced as single page JPG files at 300dpi with JPG
20 compression and a high-quality setting as to not degrade the original image Redacted versions of
21 documents that would have been produced in color in their un-redacted form shall be produced in
22 color as detailed herein.

23 J. Confidentiality Designations

24 Any Document designated confidential shall be so designated in accordance with the
25 Protective Order entered in this case. If a particular Document has a confidentiality designation,
26 that designation shall be stamped on the face of all TIFF images pertaining to such Document, in
27 the lower left-hand corner of the Document, or as close thereto as possible while preserving the
28 underlying image. If the Receiving Party believes that a confidentiality designation obscures the

content of a Document, then the Receiving Party may request that the Document be produced with the confidentiality designation in a different position. No party may attach to any filing or any correspondence addressed to the Court (including any Magistrate Judge), or any adverse or third party, or submit as an exhibit at a deposition or any other judicial proceeding, a copy (whether electronic or otherwise) of any native format Document produced by any party without ensuring that the corresponding Bates number and confidentiality legend, as designated by the Producing Party, appears on the Document. For each Document that is marked confidential, a Confidentiality field will be populated with the word “Confidential” in the .dat file.

2. PRODUCTION OF HARD COPY DOCUMENTS

All hard copy Documents that are scanned will be produced in electronic form. Where necessary and practicable, hard copy Documents in color will be scanned in color to ensure full information is communicated in the scanned copy. Scanned color Documents will be provided in JPG file format.

A. Unitization of Paper Document

To the extent practicable, hard copy Documents shall be unitized using logical document determinations or “LDD.”

B. Identification

Where a Document or group of Documents has an identification spine, “post-it note,” or any other label, the information on the label shall be scanned and produced to the extent practicable.

C. Custodian Identification

The parties will utilize reasonable best efforts to ensure that paper records for a particular custodian or department level custodian, which are included in a single production, are produced in consecutive Bates stamp order.

D. Metadata

The metadata associated with each hard copy Document need only identify the Bates number, the custodian associated with that hard copy Document, and any Confidential Designation or Redaction applied to that Document.

3. PRODUCTION OF “ESI”

A. De-NISTING and System Files

ESI productions shall be de-NISTed using the industry standard list of such files maintained in the National Software Reference Library by the National Institute of Standards & Technology. De-NISTED files need not be produced. The parties may mutually agree upon any additional file types that can be excluded from review and production. A Producing Party shall identify any additional standard, readable, and reviewable file types which have been excluded from its document review population for any production made following the date of this Order, and will utilize reasonable best efforts to do the same with respect to any productions made prior to the date of this Order.

If a party excludes from review a standard, readable, and reviewable file type not within the industry standard, that party must disclose such exclusion to the other parties.

B. Native Files:

Certain files types, such as presentation-application files (e.g., MS PowerPoint), spreadsheet-application files (e.g., MS Excel, .csv), and multimedia audio/visual files such as voice and video recordings (e.g., .wav, .mpeg, and .avi), shall be produced in Native Format. For files produced in Native Format, the Producing Party shall provide a single-page TIFF slip-sheet with the applicable Bates stamp indicating that a native item was produced. The corresponding load (.DAT) file shall include a NativeFileLink which provides the relative path linking information for each native file that is produced. In addition, the confidentiality designation will be indicated in the name of the native file where reasonably feasible.

C. Metadata Fields and Processing

1. ESI shall be processed in a manner that preserves the source native file and relevant metadata without modification, including their existing time, date, and time-zone metadata consistent with the requirements provided in this Order. The Producing Party will provide information on the time zone the data was processed in to the Receiving Party.

2. Hidden text. ESI shall be processed, to the extent practicable, in a manner that preserves hidden columns or rows, hidden text, notes, or worksheets, speaker notes, tracked changes, redlines and comments. Upon request, a Producing Party will produce files with any such information in Native Format.

3. Compressed Files and Encrypted Files. Compressed file types (i.e., .CAB, .GZ, .TAR .Z, .ZIP) shall be decompressed in a reiterative manner to ensure that a zip within a zip is decompressed into the lowest possible compression resulting in individual files. The Producing Party will take reasonable steps, prior to production, to unencrypt any discoverable electronically stored information that exists in encrypted format (e.g., because password-protected) and that can be reasonably unencrypted.

4. Metadata and Coded Fields. ESI items shall be produced with all of the metadata and coding fields set forth in Appendix 2.

This Order does not create any obligation to create or manually code fields that are not automatically generated by the processing of the ESI, or that do not exist as part of the original metadata of the Document; provided, however, that the Producing Party must populate, where possible, the (a) BegBates, (b) EndBates, (c) BegAttach, (d) EndAttach, (e) Custodian, (f) NativeFileLink fields, if applicable, (g) TextPath, (h) Redaction status, and (i) Confidentiality designation. These fields should be populated for all produced ESI, as well as paper Documents converted to electronic form, regardless of whether the fields can be populated pursuant to an automated process.

4. DATABASES, STRUCTURED, AGGREGATED OR APPLICATION DATA

The parties will produce Documents collected from databases or other structured databases in a reasonably useable format. If the data cannot be produced in a reasonably useable format, the parties will meet and confer to address the production format. Prior to or during any such meet and confer, the Producing Party will provide sufficient information to enable the Receiving Party to evaluate the best method and format of production. If the parties cannot reach agreement, the matter will be decided by the Court or its designee.

5. RESPONSIVENESS, PRIVILEGE & REDACTIONS.

A. Responsiveness

The parties agree that if an attachment to an email is wholly nonresponsive to the discovery requests, it will be produced along with any other Documents in the family. To the extent any such non-responsive attachment contains private information (e.g., personally identifying information) or information subject to a Privilege, the Producing Party may redact such information without the need to produce a log reflecting the redaction. However, the basis for such redaction (e.g., private information, non-responsive but privileged information) must be clearly reflected in the “Redaction Reason” metadata field for the attachment and the slip-sheet if entirely withheld.

B. Privilege

To the extent that a Defendant reasonably determines that email or related attachments that are responsive to Plaintiff’s document request are not discoverable because they are subject to a Privilege, Defendant shall produce a log treating each email and attachment withheld separately.

C. Redactions

The parties agree that Excel files may be redacted in their native form. For non-Excel ESI items requiring redaction, they shall be produced in TIFF format with each redaction clearly indicated. In cases where TIFF format is not practicable, such items should be produced in redacted native format, as outlined below. Any unaffected data fields shall be provided. The redaction of any material for privilege or other reason shall be governed by the applicable rules and case law regarding privilege and the provisions contained in the Protective Order entered in this action. Documents that are to be produced in native format, but that require redactions may be produced as TIFF images with the relevant portions redacted, or if a TIFF image production is not practicable (e.g., the file is a video or very large spreadsheet), the producing party may produce a copy of the native file with the relevant portions replaced with “REDACTED” or a similar mark. If modification of a native file is required for redaction purposes, metadata information associated with that file should remain unchanged, unless it also requires redaction.

For each document that is redacted, a Redaction field will be populated with the word “REDACTED” in the .DAT file. Also, the producing party will keep a pristine original copy of the native document.

D. Printing Specifications for Excel and PowerPoint files

For Excel and PowerPoint type files that are printed to TIFF for redaction and redacted, the following printing options shall be enabled:

Excel Print to TIFF Options

- Unhide columns and rows
- Unhide worksheets
- Autofit columns and rows, settings to be over by columns first and, then down by rows
- Print gridlines
- Do not apply Autofilter
- Display headings
- Display comments
- Header and Footer filename field handling: Show field code

PowerPoint Print to TIFF Options

- Print notes pages
- Print hidden slides
- Print comments

1. The Producing Party shall also make reasonable efforts to ensure that any spreadsheets produced only as TIFF images because of redactions are formatted so as to be legible. For redacted items which were originally ESI, all metadata fields noted in this protocol that do not contain privileged or protected information will be provided and will include all non-redacted data. A Document's status as redacted does not relieve the Producing Party from providing all of the metadata required herein.

E. De-duplication and Document Families

ESI may be de-duplicated globally at the parent level using MD5 hash or SHA-1 hash. For emails, de-duplication may be performed using a hash calculated using combination of metadata fields. Such hash shall, at a minimum, account for all sender and recipient metadata including BCC recipients, the email subject, date sent, and attachment names.

1 The parties are permitted to produce the longest unique email chain and do not need to
 2 separately produce the lesser-included emails unless those lesser-included emails have additional
 3 recipients or unique attachments not included in the longest chain. If a lesser-included email has
 4 an additional recipient or unique attachment, then the lesser-included email must be separately
 5 produced with the attachments.

6 If a party produces only inclusive email, the parties agree to redact any privileged content
 7 or message component and produce in full the rest of the conversation in the inclusives.

8 “Near duplicate” Documents shall be produced rather than removed. The Producing Party
 9 need only produce a single copy of a particular ESI.

10 The hash value for each item shall be reflected in the .DAT load file in the HashValue
 11 field specified in Appendix 2. If a Producing Party elects to de-duplicate globally, the Producing
 12 Party shall identify custodians who were in possession of a de-duplicated Document in the
 13 AllCustodian metadata field specified in Appendix 2. This means that the field “AllCustodian”
 14 will be populated showing all custodians who had a copy of the same Document which is not
 15 being produced because of de-duplication.

16 De-duplication shall not break apart families and shall be performed at a family level. A
 17 Document and all other Documents in its attachment range, emails with attachments and files
 18 with extracted embedded OLE Documents all constitute family groups. If any member of a
 19 family group is produced, all members of that group must be also be produced or else logged and
 20 no such member shall be withheld from production as a duplicate. The Producing Party agrees
 21 that the presence of a custodian’s name contained in the “AllCustodian” field in the metadata for
 22 a particular Document is evidence that the custodian possessed that Document in his/her custodial
 23 file.

24 F. Load Files

25 The data load file should be in standard Concordance format (.DAT). The .DAT file shall
 26 contain a relative path to the corresponding native file.

27 Concordance Data Load Files:

28 The data load file should use standard Concordance delimiters:

- Column - ¶ (ASCII 182);
- Quote - ¢ (ASCII 254);
- Newline - ® (ASCII 174).
- The first line of the .DAT file should contain the field names arranged in the same order as the data is arranged in subsequent lines.
- All date fields should be produced in mm/dd/yyyy format, if possible. Date fields may be combined date/time fields
- All produced attachments should sequentially follow the parent Document/email.

Sample Concordance .DAT Load File:

¢BegBates¢¢¢Begattatch¢¢¢Custodian¢¢¢Native Path¢¢¢Extracted Text¢
 ¢ABC000001¢¢¢ABC000001¢¢¢Sample¢¢¢\VOL001\NATIVES\001\ABC000001.xls¢¢¢TE
 XT\001\ABC000001.t
 ¢¢¢ABC000002¢¢¢ABC000001¢¢¢Sample¢¢¢NATIVES\001\ABC000002.gif¢¢¢TEXT\001\
 ABC000002.txt¢

The image load file must be in standard Option (.OPT) format and must reference each TIFF file in the corresponding production, and the total number of TIFF files referenced in the load file must match the total number of image files in the production. The total number of Documents referenced in a production's data load file should match the total number of designated document breaks in the corresponding image load file for that production. In any deliverable volume, Documents should be organized in such a way that each folder in the volume contains 1000 files (each TIFF page or native file is a single file) as one file per folder.

- Every image in the delivery volume should be cross-referenced in the image load file.
- The imageID key should be named the same as the Bates number of the page.

- Load files should not span across media (e.g., CDs, DVDs, hard drives, etc.), i.e., a separate volume should be created for each piece of media delivered.

Sample Concordance/Opticon Image (.OPT) Load File:

MSC000001, MSC001, \VOL001\IMAGES\001\MSC000001.TIF, Y,,,2

MSC000002, MSC001, \VOL001\IMAGES\001\MSC000002.TIF,,,,

MSC000004, MSC001, \VOL001\IMAGES\001\MSC000004.TIF, Y,,,2

MSC000005, MSC001, \VOL001\IMAGES\001\MSC000005.TIF,,,,

OCR/Extracted Text Files:

- OCR or Extracted Text files shall be provided in a separate directory containing Document-level text files. The .DAT file shall contain a relative path to the corresponding text file. OCR or Extracted text itself should not be included in the .DAT file:

PROD001\TEXT\001\ABC00015.txt

APPENDIX 2: ESI METADATA AND CODING FIELDS

The chart below describes the metadata fields to be produced, where reasonably available, in generic, commonly used terms which the Producing Party is to adapt to the specific types of ESI it is producing, to the extent such metadata fields exist associated with the original electronic Documents and are automatically generated as part of the electronic data discovery process. Any ambiguity about a metadata field should be discussed with the Receiving Party prior to processing the subject ESI for production.

Field Name	Field Description
BegBates	First Bates number (production number) of an item
EndBates	Last Bates number (production number) of an item **The EndBates field should be populated for single-page items.
AttachName	File name of the attachment, with any attachments separated by semi-colon.
BegAttach/Group ID	First Bates number of family group.
EndAttach	Last Bates number of attachment range (<i>i.e.</i> , Bates number of the last page of the last attachment)
PgCount	Number of pages in the item
Custodian	Name of person or source from whose/which files the item is produced
AllCustodian	Name of the person(s), in addition to the Custodian, from whose files the item would have been produced if it had not been de- duplicated
FileSize	Size (in kilobytes) of the source native file
SourceFilePath ¹	The directory structure or path where the original file was stored on the party's source computer system, ending in the filename. Any container name (such as ZIP or PST containers) is included in the path.
HashValue	The MD5 or SHA-1 or IntMsgID hash value of the item.

¹ This field may be excluded if the Producing Party determines it includes information protected by any applicable privilege or immunity.

Field Name	Field Description
SourceParty	Name of entity or party producing the item
RecordType	Indicates item type (<i>e.g.</i> , email, edoc, attachment)
FileType	(<i>e.g.</i> , Outlook, Adobe Acrobat, MS Word, etc.)
FileExtension	Indicates file extension of the file <i>e.g.</i> , .docx, .pptx
Parent Date/Sort Date	<p>The date associated with a family's parent record, which is assigned as follows:</p> <p>Emails populated with 1st occurrence: Date Sent or Date Received or Date Last Modified. Email attachments populated from the date above.</p> <p>Outlook Appointments populated with 1st occurrence of Start Date or Date Last Modified.</p> <p>Loose Edocs populated with 1st occurrence of Date Last Modified or Date Created.</p>
DateSent (mm/dd/yyyy)	Date email or calendar item was sent
TimeSent (hh:mmAM/PM)	Time email or calendar item was sent (Date and time fields may be combined)
DateReceived	Date email or calendar item was received
TimeReceived	Time email or calendar item was received (Date and time fields may be combined)
To	The names and/or SMTP email addresses of all recipients that were included on the "To" line of the email or calendar item
From	The name and/or SMTP email address of the sender of the email or calendar item
CC	The names and/or SMTP email addresses of all recipients that were included on the "CC" line of the email or calendar item
BCC	The names and/or SMTP email addresses of all recipients that were included on the "BCC" line of the email or calendar item
Number of Attachments	Number of attached, embedded or grouped items

Field Name	Field Description
DateCreated (mm/dd/yyyy)	Date the item was created
TimeCreated (hh:mm AM/PM)	Time the item was created (Date and time fields may be combined)
ModifiedBy	Person who last modified or saved the item, as populated in the metadata or document properties of the native file
LastModDate (mm/dd/yyyy)	Date the item was last modified
LastModTime (hh:mm AM/PM)	Time the item was last modified
Date Last Printed	Date the Document was last printed.
FileName	The filename of the source native file for an ESI item
Title	Any value populated in the Title field of the source file metadata or item properties
Subject/Email Subject	Any value populated in the Subject field of the source file metadata or document properties (e.g., subject line of email or calendar item)
Author	Creator of the Document; any value populated in the Author field of the source file metadata or document properties
Redacted	User-generated field that will indicate redactions. With the word "REDACTED". Otherwise, blank.
Redaction Reason	The reason for the redaction. If more than one reason, separate by semi-colons.
Confidentiality	User-generated field that will indicate confidentiality. With the word "CONFIDENTIAL" if applicable. Otherwise, blank.
TextPath	Full relative path to the location of the Document-level text file.
NativeFileLink	Relative path for Documents provided in Native Format only. **The linked file must be named per the BegBates value.