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13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

15
16 UNITED STATES OF AMERICA ex rel.
17 RONDA OSINEK,

18 Plaintiff,

19 v.

20 KAISER PERMANENTE, et al.,

21 Defendants.
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Case No. 3:13-cv-03891-EMC

**JOINT STIPULATION AND ~~PROPOSED~~
ORDER RE: DISCOVERY OF
ELECTRONICALLY STORED
INFORMATION**

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27 (CAPTION CONTINUED)

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UNITED STATES OF AMERICA ex rel.
NASER AREFI, AJITH KUMAR and PRIME
HEALTHCARE SERVICES, INC.,

Plaintiff,

v.

KAISER FOUNDATION HEALTH PLAN,
INC., et al.,

Defendants.

Case No. 3:16-cv-01558-EMC

**JOINT STIPULATION AND
[PROPOSED] ORDER RE:
DISCOVERY OF ELECTRONICALLY
STORED INFORMATION**

UNITED STATES OF AMERICA ex rel.
MARCIA STEIN and RODOLFO BONE,

Plaintiff,

v.

KAISER FOUNDATION HEALTH PLAN,
INC., et al.,

Defendants.

Case No. 3:16-cv-05337-EMC

**JOINT STIPULATION AND
[PROPOSED] ORDER RE:
DISCOVERY OF ELECTRONICALLY
STORED INFORMATION**

UNITED STATES OF AMERICA ex rel.
GLORYANNE BRYANT and VICTORIA
HERNANDEZ,

Plaintiff,

v.

KAISER PERMANENTE, et al.,

Defendants.

Case No. 3:18-cv-01347-EMC

**JOINT STIPULATION AND
[PROPOSED] ORDER RE:
DISCOVERY OF ELECTRONICALLY
STORED INFORMATION**

(CAPTION CONTINUED)

1 UNITED STATES OF AMERICA and
2 STATE OF CALIFORNIA ex rel. MICHAEL
BICOCCA,

3 Plaintiffs,

4 v.

5 PERMANENTE MEDICAL GROUP, INC.,
6 et al.,

7 Defendants.

Case No. 3:21-cv-03124-EMC

**JOINT STIPULATION AND
[PROPOSED] ORDER RE:
DISCOVERY OF ELECTRONICALLY
STORED INFORMATION**

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10 UNITED STATES OF AMERICA ex rel.
JAMES M. TAYLOR,

11 Plaintiff,

12 v.

13 KAISER PERMANENTE, et al.,

14 Defendants.

Case No. 3:21-cv-03894-EMC

**JOINT STIPULATION AND
[PROPOSED] ORDER RE:
DISCOVERY OF ELECTRONICALLY
STORED INFORMATION**

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16 **1. PURPOSE**

17 This Order will govern discovery of electronically stored information (“ESI”) in these
18 actions as a supplement to the Federal Rules of Civil Procedure, this Court’s Guidelines for the
19 Discovery of Electronically Stored Information, and any other applicable orders and rules.

20 **2. COOPERATION**

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

24 **3. PRESERVATION**

25 The parties have represented that they have instituted broad legal holds and are in
26 compliance with their preservation obligations. To the extent the parties have any disputes about
27 preservation, they agree to meet and confer to attempt to resolve them.

28 **4. SEARCH**

1 The parties agree that in responding to an initial Fed. R. Civ. P. 34 request, or earlier if
2 appropriate, they will meet and confer about methods to search ESI in order to identify ESI that is
3 subject to production in discovery and filter out ESI that is not subject to discovery. The parties
4 have also agreed to the following:

- 5 a) The parties agree that there are many acceptable methods that parties may use to
6 satisfy their obligations under the Federal Rules of Civil Procedure to search for and
7 retrieve ESI and that the party responding to the request generally is best situated to
8 evaluate the procedures, methodologies, and technologies appropriate for producing its
9 own ESI. As such, a party may use search terms, other objective delimiters (such as e-
10 mail domains), and/or technology-assisted review technologies as a means of limiting
11 the volume of documents and ESI to be reviewed for responsiveness, provided that
12 any culling methodologies employed to do so are disclosed. The party issuing a
13 discovery request may ask for (and the responding party will not unreasonably
14 withhold) qualitative and quantitative information regarding search or culling
15 methodologies, including (where applicable) custodians searched, search terms used,
16 hit reports, and associated testing and validation on the methodologies. Should
17 disputes about searches or culling methodologies arise, the parties agree to meet and
18 confer to attempt to resolve them.
- 19 b) Prior to production, the parties may de-duplicate e-mails across custodians. For
20 clarity, no party should de-duplicate any emails unless they are identified as “family-
21 level hash duplicate.”
- 22 c) Unless otherwise agreed, the parties shall not use email threading technology for their
23 productions of non-privileged documents. The parties may, however, use email
24 threading technology on their productions for documents identified on their privilege
25 log and/or documents that require redaction. By “email threading technology,” the
26 parties refer to industry standard technology commonly utilized by e-discovery
27 vendors. Any party using email threading technology must ensure that such use does
28 not result in the exclusion or non-production of documents or attachments that

1 otherwise would be responsive and does not result in the loss of any information (e.g.,
2 where a thread leaves unclear which emails in a thread originally had attachments,
3 which attachments were originally attached to which emails in the thread, or which
4 emails might have had bcc recipients). To the extent email threading technology is
5 used, the parties agree to identify how many emails were suppressed by having used
6 this technology as soon as practicable after the final production. To ensure that parties
7 are able to discern each suppressed email by email threading technology in the
8 inclusive email thread, the parties agree not to redact email header information (e.g.,
9 date and time, subject, sender, recipient, cc, bcc, email priority) or file attachment
10 information throughout redacted emails. The parties shall meet and confer, and
11 involve their respective e-discovery technology experts as needed, should questions
12 arise about how email threading works and how it is being used in these actions.

13 **5. PRODUCTION FORMATS**

- 14 a) The parties agree to make all reasonable efforts to ensure that ESI will be produced in
15 the format set forth in Appendix A.
- 16 b) To the extent possible, all exports of structured data or reports from databases or
17 proprietary applications will be produced in .csv file, Excel file, or other delimited
18 format.
- 19 c) Each page of a produced document will have a legible, unique page identifier (“Bates
20 Number”) electronically affixed onto the image at a location that does not obliterate,
21 conceal, or interfere with any information from the source document. In the case of
22 materials redacted or deemed confidential, a redaction or confidentiality designation
23 may be affixed with the appropriate legend onto the document’s image. The
24 confidentiality designation will be affixed onto the document at a location that does
25 not obliterate, conceal, or interfere with any information from the source document.
- 26 d) If the Producing Party produces ESI subject to a claim that it is protected from
27 disclosure under a protective order or confidentiality order entered into by the parties,
28 the Producing Party shall electronically affix the specific level of confidentiality

1 claimed onto each page of the document. Failure to comply with this procedure shall
2 not waive any protection of confidential treatment.

3 **6. PRIVILEGE LOGS**

- 4 a) The parties agree to produce a privilege log for any documents withheld or redacted
5 for privilege or work-product protection. Any privilege log shall include the following
6 information: Bates Number Begin, Bates Number End, Parent Bates Number Begin,
7 Parent Bates Number End, Custodian, File Type, Date / Date Sent / Parent Date,
8 Author / From, To, CC, BCC, Log ID Number, Privilege Type, Privilege Description,
9 and the Attorney(s) contributing to the privilege.
- 10 b) Communications and work product that post-date (1) for the United States, the filing
11 of the first complaint in these actions or any prior notice of such complaint to the
12 United States, whichever is earlier, (2) for Relators, the initial contact of a Relator
13 with any attorney concerning the bringing of a qui tam action about the subject matter
14 of any of the consolidated cases, or (3) for Defendants, the issuance of the first
15 subpoena in the investigation underlying these actions, involving privileged
16 information or work product created or received by that party's counsel (for the United
17 States, counsel from the U.S. Department of Justice; for Relators, Relators' respective
18 counsel; for Defendants, outside counsel), an agent of such counsel other than the
19 party, any non-testifying experts, or information protected by Fed. R. Civ. P. 26(b)(4),
20 need not be placed on a privilege log. This provision extends to the attachments of
21 privileged or work product emails. Privileged or protected communications and other
22 materials exchanged among the United States and each respective Relators' counsel do
23 not need to be logged if the United States and the respective Relators' counsel claim a
24 common interest exists.

25 **7. MODIFICATION**

26 This Stipulated Order may be modified by a Stipulated Order of the parties or by the Court
27 for good cause shown.

28 **8. DISPUTE RESOLUTION**

1 The parties will attempt to resolve disputes regarding the issues set forth herein prior to
2 filing a motion with the Court or otherwise seeking relief. If the parties are unable to resolve the
3 dispute after a good faith effort, the parties may seek Court intervention in accordance with the
4 Court's procedures.

5 **IT IS SO STIPULATED.**

6
7 Dated: July 13, 2022

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ATTESTATION

Pursuant to Local Rule 5-1, I hereby attest that the other signatories listed, on whose behalf this filing is submitted, concur in the filing’s content and have authorized the filing.


DATED: July 13, 2022

By: /s/ Stephen M. Sullivan
Stephen M. Sullivan

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: July 14, 2022



JOSEPH C. SPERO
~~HONORABLE EDWARD M. CHEN~~
UNITED STATES ~~DISTRICT~~ JUDGE
CHIEF MAGISTRATE

APPENDIX A

1
2 **1. Production Format of ESI and Imaged Hard Copy Documents**

3 Responsive ESI and imaged hard copy shall be produced in the format outlined below. All
4 ESI, except as outlined below in sections 4 – 19, shall be rendered to TIFF image format, and
5 accompanied by an OpticonImage Cross Reference file. All applicable metadata/database (see
6 section 2 below) shall be extracted and provided in a standard metadata load file format.

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- a. **Image File Format:** All documents shall be produced in black and white TIFF format unless the image requires color. An image requires color when color in the document adds emphasis to information in the document or is itself information that would not be readily apparent on the face of a black and white image.
- b. When producing black and white paper documents scanned to images, or rendered ESI, they shall be produced as 300 dpi, 1 bit, single-page TIFF files, CCITT Group IV (2D Compression). When producing in *color*, paper documents scanned to images, or rendered ESI, they shall be produced as 300 dpi single-page JPG. Images should be uniquely and sequentially Bates numbered and unless otherwise specified, Bates numbers should be an endorsement on each image.
- i. All TIFF file names shall include the unique Bates number burned into the image. (See section 20, below, regarding Bates number instructions.)
 - ii. All TIFF image files shall be stored with the “.tif” extension.
 - iii. Images without corresponding extracted text shall be OCR’d using standard COTS products.
 1. An exception report shall be provided when limitations of paper digitization software/hardware or attribute conversion do not allow for OCR text conversion of certain images. The report shall include the DOCID or Bates number(s) corresponding to each such image.
 - iv. All pages of a document or all pages of a collection of documents that comprise a folder or other logical grouping, including a box, shall be delivered on a single piece of media.
 - v. No image folder shall contain more than 2,000 images.
- c. **Opticon Image Cross Reference file:** Images should be accompanied by an Opticon load file that associates each Bates number with its corresponding single-page TIFF image file. The Cross Reference file should also contain the relative image file path for each Bates numbered page. The Opticon Image Cross Reference file is a page level load file, with each line representing one image.

Below is a sample:

```
REL000000001,,.\IMAGES\001\REL000000001.TIF,Y,,,
REL000000002,,.\IMAGES\001\REL000000002.TIF,,,,
REL000000003,,.\IMAGES\001\REL000000003.TIF,,,,
REL000000004,,.\IMAGES\001\REL000000004.TIF,Y,,,
REL000000005,,.\IMAGES\001\REL000000005.TIF,,,,
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The fields are, from left to right:

- Field One – (REL000000001) – the Bates Number. This value must be unique for each row in the OPT file. The first page of each document must match the DOCID or BEGDOC# value of the respective document.
- Field Two – (blank) – the volume identifier. This field is not required.
- Field Three – (.\\IMAGES\\001\\REL000000001.TIF) – The relative file path to the image to be loaded.
- Field Four – (Y) – the document marker. A “Y” indicates the start of a unique document.
- Field Five – (blank) – The folder indicator. This field is not required, and typically is not used.
- Field Six – (blank) – The box indicator. This field is not required, and typically is not used.
- Field Seven – (blank) – The page count. This field is not required.

d. **Metadata Load File:** Images should also be accompanied by a flat, document-level load file to provide the metadata and native files containing delimited text that will populate fields in a searchable, flat database environment. The file encoding must be one of four types: Western European (Windows), Unicode (UTF16), Big-Endian Unicode or UTF8. The file should contain the required fields listed below in section 2.

1. Text delimited load files are defined using standard delimiters. For example:

<i>Field Separator</i>	¶ or Code 020
<i>Text Qualifier</i>	þ or Code 254
<i>Newline</i>	® or Code 174
<i>Multi-value</i>	; or Code 059
<i>Nested values</i>	\ or Code 092

2. This load file should contain the relative file path to the individual multi-page, document level text files.
3. This load file should also contain the relative file path to all provided native files, such as Microsoft Excel or PowerPoint files.
4. There should be one line for every record in a collection.
5. The load file must contain a header listing the metadata/database fields contained within. For example, if the data file consists of a First Page of a Record (BegDoc#), Last Page of a Record (ending Bates / ENDDOC#), DOCID, DOCDate, File Name, and a Title, then the structure may appear as follows:

```
þBEGDOCþ¶þENDDOCþ¶þDOCIDþ¶þDOCDATEþ¶þFILENAM
Eþ¶þTITLEþ
```

- 1 e. **The extracted/OCR** text should be provided for each document as a separate single
2 text file. The file name should match the BEGDOC# or DOCID for that specific
3 record and be accompanied by the .txt extension.
- 4 f. **Directory and folder structure:** The directory structure for productions should be:
5 \CaseName\LoadFiles
6 \CaseName\Images < For supporting images (can include subfolders as needed,
7 should not include more than 2,000 files per folder)
8 \CaseName\Natives <Native Files location (can include subfolders as needed,
9 should not include more than 2,000 files per folder)
10 \CaseName\Text <Extracted Text files location (can include subfolders as needed,
11 should not include more than 2,000 files per folder)

2. Required Metadata/Database Fields

12 A “√” denotes that the indicated field should be present in the load file produced. “Other
13 ESI” includes data discussed in sections 4 – 19 below, but does not include email, email
14 repositories (section 10), “stand alone” items (section 11), imaged hard copy material (section
15 8) and production from ESI collected from Smart Phones, Mobile Devices and Other
16 Technology (section 12). Email, email repositories, and “stand alone” materials (section 11)
17 should comply with “Email” column below. Imaged hard copy materials should comply with
18 the “Hard Copy” column. Production from ESI collected from Smart Phones, Mobile Devices
19 and Other Technology should comply with the requirements of section 12. The parties are not
20 obligated to populate or normalize data fields which cannot be populated or normalized
21 automatically (i.e., would require manual population or normalization of information).

Field name	Field Description	Field Type	Field Value	Hard Copy	E-mail	Other ESI
COLLECTION SOURCE	Name of the Company/Organization data was collected from	Text	160	√	√	√
SOURCE ID (BOX #)	Submission/volume/box number	Text	10	√	√	√
CUSTODIAN	Custodian/Source - format: Last, First or ABC Dept.	Text	160	√	√	√
DUPECUSTODIAN	Custodian/Source – all custodians who had the document before de-duplication; format: Last, First or ABC Dept.	Text – semicolon delimited	Unlimited		√	√

Field name	Field Description	Field Type	Field Value	Hard Copy	E-mail	Other ESI
DUPECUSTODIAN FILE PATH	Listing of all the file locations of the document before de-duplication	Text – semicolon delimited	Unlimited		✓	✓
AUTHOR	Creator of the document	Text	500			✓
BEGDOC#	Start Bates (including prefix) - No spaces	Text	60	✓	✓	✓
ENDDOC#	End Bates (including prefix) - No spaces	Text	60	✓	✓	✓
DOCID	Unique document Bates # or populate with the same value as Start Bates (DOCID = BEGDOC#)	Text	60	✓	✓	✓
PGCOUNT	Page Count	Number	10	✓	✓	✓
GROUPID	Contains the Group Identifier for the family, in order to group files with their attachments	Text	60		✓	✓
PARENTID	Contains the Document Identifier of an attachment's parent	Text	60		✓	✓
ATTACHIDS	Child document list; Child DOCID or Child Start Bates	Text – semicolon delimited	Unlimited	✓	✓	✓
ATTACHLIST	List of Attachment filenames	Text – semicolon delimited	Unlimited		✓	✓
BEGATTACH	Start Bates number of parent	Text	60	✓	✓	✓
ENDATTACH	End Bates number of last attachment	Text	60	✓	✓	✓

Field name	Field Description	Field Type	Field Value	Hard Copy	E-mail	Other ESI
RECORD TYPE	Use the following choices: Image, Loose E-mail, E-mail, E-Doc, Attachment, Hard Copy or Other. If using Other, please specify what type after Other	Text	60	✓	✓	✓
FROM	Sender (i.e.: e-mail address, Last name, First name)	Text	160		✓	✓
TO	Recipient (i.e.: e-mail address, Last name, First name)	Text – semicolon delimited	Unlimited		✓	✓
CC	Carbon Copy Recipients (i.e.: e-mail address, Last name, First name)	Text – semicolon delimited	Unlimited		✓	✓
BCC	Blind Carbon Copy Recipients (i.e.: e-mail address, Last name, First name)	Text – semicolon delimited	Unlimited		✓	✓
SUBJECT	Subject line of email	Text	Unlimited		✓	
TITLE	Document Title	Text	Unlimited			✓
CONVINDEX	E-mail system ID used to track replies, forwards, etc.	Text	Unlimited		✓	
DOCDATE	Last Modified Date for files and Sent date for e-mail, this field inherits the date for attachments from their parent. Do not provide 00/00/0000.	Date	MM/DD/YYYY		✓	✓
TEXT FILEPATH	Relative file path of the text file associated with either the extracted text or the OCR	Text	Unlimited	✓	✓	✓

Field name	Field Description	Field Type	Field Value	Hard Copy	E-mail	Other ESI
DATE TIME SENT	Date and time Sent (USE TIME ZONE OF COLLECTION LOCALITY) Numbers must be populated. If date is unknown, leave blank. Do not provide 00/00/0000	Date and Time	MM/DD/YYYY HH:MM:SS		✓	
DATE TIME CRTD	Date Created (USE TIME ZONE OF COLLECTION LOCALITY) Numbers must be populated. If date is unknown, leave blank. Do not provide 00/00/0000	Date and Time	MM/DD/YYYY HH:MM:SS		✓	✓
DATE TIME SVD	Date Saved (USE TIME ZONE OF COLLECTION LOCALITY) Numbers must be populated. If date is unknown, leave blank. Do not provide 00/00/0000	Date and Time	MM/DD/YYYY HH:MM:SS		✓	✓
DATE TIME MOD	Date Last Modified (USE TIME ZONE OF COLLECTION LOCALITY) Numbers must be populated. If date is unknown, leave blank. Do not provide 00/00/0000	Date and Time	MM/DD/YYYY HH:MM:SS		✓	✓
DATE TIME RCVD	Date Received (USE TIME ZONE OF COLLECTION LOCALITY) Numbers must be populated. If date is unknown, leave blank. Do not provide 00/00/0000	Date and Time	MM/DD/YYYY HH:MM:SS		✓	

Field name	Field Description	Field Type	Field Value	Hard Copy	E-mail	Other ESI
DATE TIME ACCD	Date Accessed (USE TIME ZONE OF COLLECTION LOCALITY) Numbers must be populated. If date is unknown, leave blank. Do not provide 00/00/0000	Date and Time	MM/DD/YYYY HH:MM:SS		✓	✓
TIME ZONE OFFSET	Time zone of collection locality, relative to Coordinated Universal Time (UTC). E.g., for US Central Standard Time (CST), the value for this field should be -6.0	Decimal	10		✓	
FILE SIZE	Native File Size in KBs	Decimal	10			✓
FILE NAME	File name - name of file as it appeared in its original location	Text	Unlimited			✓
FILE EXTENSION	Extension for the file (e.g. .doc, .pdf, .wpd)	Text	10		✓	✓
FILEPATH	Data's original source full folder path	Text	Unlimited		✓	✓
NATIVE LINK	Relative file path location to the native file	Text	Unlimited		✓	✓
FOLDER ID	Complete E-mail folder path (e.g. Inbox\Active) or Hard Copy container information (e.g. folder or binder name)	Text	Unlimited	✓	✓	

Field name	Field Description	Field Type	Field Value	Hard Copy	E-mail	Other ESI
HASH VALUE	Identifying value of an electronic record that is used for deduplication during processing. MD5 or SHA1 hash algorithms may be used, but must be kept consistent throughout all productions and communicated.	Text	Unlimited		✓	✓
MESSAGEHEADER	E-mail header.	Text	Unlimited		✓	
FILE TYPE	Description that represents the file type to the Windows Operating System. E.g., Adobe Portable Document Format, Microsoft Word 97 – 2003, or Microsoft Office Word Open XML Format.	Text	160		✓	✓
HAS HIDDEN CONTENT	Identifies whether the document has comments, track changes or other hidden content or data associated with it	Text	Yes/No		✓	✓
MESSAGE TYPE	Exchange Message class or equivalent	Text	60		✓	
HAS REDACTIONS	Identifies whether a record has been produced with redactions; should be populated with Y for records with redactions and N for records without redactions.	Text	Yes/No	✓	✓	✓

Field name	Field Description	Field Type	Field Value	Hard Copy	E-mail	Other ESI
HAS TRANSLATIONS	Identifies whether a document has been produced with translated text or audio contains a transcript	Text	Yes/No	✓	✓	✓

3. Search, De-Duplication, Near-Duplicate Identification, Technology Assisted Review, E-mail Conversation Threading and Other Culling Procedures

- a. De-duplication of exact hash copies shall be performed globally – across all custodians. The custodian of each record shall be populated in the DupeCustodian field.
- b. All files found on the National Institute of Standards and Technology (NIST) list, commonly referred to as deNISTing, should be excluded from delivery. All available metadata from files withheld from delivery due to the deNISTing process will be available upon request.
- c. All files should be globally de-duplicated with the following conditions:
 - i. The “DupeCustodian” metadata field (listing of all custodians who had the document before de-duplication) must be provided with the document production.
 - ii. The “DupeCustodian File Path” metadata field (listing all the file locations of the document before de-duplication) must be provided with the document production.
 - iii. All files and metadata for the duplicate documents removed during de-duplication must be preserved and available for production upon request.
 - iv. No customization of hashing that limits compliance with this section may occur without prior express approval.
 - v. De-duplication must be done by document family, not by individual document.
 - vi. A detailed description of the steps taken to de-duplicate (including the process of obtaining hash values) must be provided when requested. For every production after the first, a separate Unified Custodian overlay shall be provided. If no overlay is necessary due to the fact that no documents de-duped out in connection with previously produced documents, this shall be expressly stated in the cover letter accompanying the subsequent production(s).

4. Hidden Text

All hidden text (e.g. track changes, hidden columns, mark-ups, notes) shall be expanded and rendered in the image file. For any files that cannot be expanded, the native files shall be produced with the image file.

5. Embedded Files and File Links

All non-graphic embedded objects (Word documents, Excel spreadsheets, .wav files, etc.) that

1 are found within a file shall be extracted and produced. For purposes of production, the
2 embedded files shall be treated as attachments to the original file, with the parent/child
relationship preserved.

3 The parties shall meet and confer regarding how to treat file links, including links within e-
4 mails to centralized document repositories (e.g. MS OneDrive and Google Drive).

5 **6. Image-Only Files**

6 All image-only files (non-searchable .pdfs, multi-page TIFFs, Snipping Tool and other
7 screenshots, etc., as well as all other images that contain text) shall be produced with OCR
text and metadata/database fields identified in section 2 for “Other ESI.”

8
9 **7. Encrypted Files**

10 Any data (whether individual files or digital containers) that is protected by a password,
11 encryption key, digital rights management, or other encryption scheme, shall be decrypted
prior to processing for production.

- 12 a. The unencrypted text shall be extracted and provided per section 1.d. The
unencrypted files shall be used to render images and provided per sections 1.a and
13 1.b. The unencrypted native file shall be produced pursuant to sections 9 – 19.
14 b. If such protected data is encountered but unable to be processed, each file or
container shall be reported as an exception in the accompanying Exception Report
15 (pursuant to section 25) and shall include all available metadata associated with
the data, including custodian information.

16 **8. Production of Imaged Hard Copy Records**

17 All imaged hard copy material shall reflect accurate document unitization including all
18 attachments and container information (to be reflected in the PARENTID, ATTACHID,
BEGATTACH, ENDATTACH and FOLDERID).

- 19 a. Unitization in this context refers to identifying and marking the boundaries of
20 documents within the collection, where a document is defined as the smallest
physical fastened unit within a bundle. (e.g., staples, paperclips, rubber bands,
21 folders, or tabs in a binder).
22 b. The first document in the collection represents the parent document and all other
documents will represent the children.
23 c. All imaged hard copy documents shall be produced as 300 dpi single-page TIFF
files, CCITT Group IV (2D Compression). All documents shall be produced in
24 black and white TIFF format unless the image requires color. An image requires
color when color in the document adds emphasis to information in the document or
25 is itself information that would not be readily apparent on the face of a black and
white image. Images identified as requiring color shall be produced as color 300
26 dpi single-page JPEG files.
27 d. All objective coding (e.g., document date or document author) should be discussed
and could be produced to the government as additional metadata/database fields
28 should they be deemed as necessary.

1
2 **9. Production of Documents in Native Format**

3 All spreadsheet, excel, PowerPoint, mpeg, wav, media, wmv, OneNote, and project file types
4 shall be produced in the unprocessed “as kept in the ordinary course of business” state (i.e., in
5 native format), with an associated placeholder image and endorsed with a unique Bates
6 number (except as required for necessary redactions). *See* section 20 below. The file
7 produced should maintain the integrity of all source, custodian, application, embedded and
8 related file system metadata.

9
10 **10. Production of E-mail Repositories**

11 E-mail repositories, also known as e-mail databases (e.g., Outlook PST, Lotus NSF), can
12 contain a variety of items, including: messages, calendars, contacts, tasks, etc. E-mail
13 database systems should not be produced without consultation with and written consent of the
14 Receiving Party about the format for the production of such databases.

15
16 **11. Production of Items Originally Generated in E-mail Repositories but Found and
17 Collected Outside of E-mail Repositories, i.e., “Stand-alone” Items**

18 Any parent e-mail or other parent items (e.g., calendar, contacts, tasks, notes, etc.) found and
19 collected outside of e-mail repositories (e.g., items having extensions .msg, .htm, .mht, etc.),
20 shall be produced with the “Loose E-mail” metadata fields outlined in section 2, including but
21 not limited to any attachments, maintaining the family (parent/child) relationship.

22
23 **12. Production of ESI Collected from Mobile Devices, Messaging Platforms,
24 Workplace Collaboration Tools and Other Technologies**

25 The responding party shall identify, collect, and produce any and all data which is responsive
26 to the requests, collected from mobile devices, messaging platforms, workplace collaboration
27 tools and other technologies. These technologies include, but are not limited to smart phones,
28 cell phones, tablets, PDAs, Blackberry, smart phone data, tablet data, voicemail messaging
data, instant messaging, chat messaging, text messaging, Slack, conference call data,
video/audio conferencing, workplace collaboration tools (e.g., GoTo Meeting, WebEx, MS
Teams, Zoom), and related/similar technologies. However, such data, logs, metadata or other
files related thereto, as well as other less common but similar data types, shall be produced
after consultation with and written consent of the Receiving Party about the format for the
production of such data.

The expectation of the parties is that all familial relationships for all data will be maintained.
Similarly to email conversations and families, the expectation is that all messages/texts in a
conversation will be provided the same conversation index and groupid data (maintaining the
familial relationship) allowing the parties to read the entire conversation in context.
Messages should be produced to align with the formats listed in section 1 and as individual
Unicode text files, and attachments should be produced as native files with images and OCR
text.

While the parties shall meet and confer on precise metadata formats, as an example, metadata collected from mobile devices shall be provided in formats such as the following:

Field Name	Field Description	Mobile	Mobile Celebrite Categories								
			Chats	MMS	SMS	Email	Instant Message	Voicemail	Recordings	Notes	Calendar
TXT-ROWNUMBER	Row number.	✓	#	#	#	#	#	#	#	#	#
TXT-CHATNUMBER	Chat number, identifies chat groups.	✓	Chat #								
TXT-STARTTIME	Start date-time for conversation, calendar item.	✓	Start Time: Date								Start Date: Date
TXT-ENDTIME	End date-time for calendar item.	✓									End Date: Date
TXT-LASTACTIVITYTIME	End date-time for conversation.	✓	Last Activity: Date								
TXT-PARTICIPANTS	Who was involved in the conversation, meeting.	✓	Participants		Party						Attendees
TXT-MESSAGENUMBER	Individual identifier for message.	✓	Instant Message #								
TXT-BODY	Body of the chat, message, item.	✓	Body	Body	Message					Body	
TXT-STATUS	Whether the text was Sent or Read on the device.	✓	Status	Status	Status						Status
TXT-LOCATION	GPS Information.	✓	Location				Location				Location
TXT-TIMESTAMP	Timestamp of item. Equivalent to DateReceived for incoming items or to DateSent for outgoing items.	✓	Timestamp: Date	Date	Date	Date		Timestamp-Date	Timestamp-Date		
TXT-READDATE	Date read	✓	Read: Date		Read-Date		Read-Date				
TXT-DELETED	Indicates whether a message was deleted and recovered by Celebrite.	✓	Deleted - Chat	Deleted		Deleted	Deleted	Deleted	Deleted	Deleted	Deleted
TXT-STARREDMESSAGE	Notes whether the message was flagged.	✓	Starred message				Starred message				

Field Name	Field Description	Mobile	Mobile Celebrite Categories								
			Chats	MMS	SMS	Email	Instant Message	Voicemail	Recordings	Notes	Calendar
TXT-THREAD-GROUP	Populate with the DOCID of the first text in the chat conversation to allow the entire chat conversation to be grouped as a family. (Sort each device by Chat Number and then by Row Number to assign TXT-THREAD-GROUP identifier). This is NOT the BEGATTACH field or Relativity Group Identifier.	✓	Chat#								
TXT-SMSC	Short Message Service Center (handles SMS text messages on behalf of phone service provider)	✓			SMSC						
DIRECTION	Direction of communication; Outgoing or Incoming.	✓		Direction	Direction	Direction	Direction				
IMPORTANCE		✓		Priority		Priority					Priority
ACCOUNT	Account identifier for device user: email address, phone number, account number.	✓		Name		Account		Name			
DURATION	Duration time of call, voice message, audio, video in HH:MM:SS format, e.g. 00:00:32	✓						Duration	Duration		

13. Production of Social Media

Prior to any production of responsive data from social media (e.g., Twitter, Facebook, LinkedIn, etc.), the Producing Party shall first discuss with the Receiving Party the potential export formats before collecting the information, to ensure it is collected and produced in a way that preserves the original metadata, has a clear chain of custody, and provides as much information as possible regarding the source and history of each individual communication.

Social media platforms offer different functions, forms of content, and capability for downloading accounts. Because of these differences, prior to collection of social media data, the Producing Party must discuss with the Receiving Party the available export and production methods and formats that the producing party is considering. Unless the Receiving Party agrees to an alternative in writing, regardless of the social media platform, productions of social media content must meet the following general requirements:

- (1) separate (2) searchable (3) static images of (4) each responsive posting on the social media platform, (5) all related content (e.g., comments, likes, share or re-transmittal information, images, videos, linked documents and content), and (6) associated metadata (e.g., user name(s), date, and time of all posts, comments, likes, share or re-transmittals).

These general requirements are in addition to any more specific requirements in a particular request (e.g., geolocation data), and the Producing Party must ask the Receiving Party about

1 any perceived conflict between these requirements and another source of specifications or
2 requirements. If available from the social media platform or through social media data
3 processing software, files that facilitate interactive review of the data (i.e., html files) as well
4 as load files in .csv format must be produced with the associated content.

5 **14. Production of Structured Data**

6 Prior to any production of responsive data from a structured database (e.g., Oracle, SAP,
7 SQL, MySQL, QuickBooks, proprietary timekeeping, accounting, sales rep call notes, CRMs,
8 SharePoint, etc.), the Producing Party shall first identify the database type and version
9 number, discuss providing the database dictionary (in whole or part) and any user manuals, or
10 any other documentation describing the structure and/or content of the database and a list of
11 all reports that can be generated from the database. Upon consultation with and written
12 consent of the Receiving Party, if a report is provided, the standard format of that report
13 provided should be in comma separated values (.csv) format.

14 **15. Production of Photographs with Native File or Digitized ESI**

15 Photographs shall be produced as single-page JPEG files with a resolution equivalent to the
16 original image as they were captured/created. All JPEG files shall have extracted
17 metadata/database fields provided in a metadata load file format as outlined in section 2 for
18 "Other ESI."

19 **16. Production of Images from which Text Cannot be OCR Converted**

20 An exception report shall be provided when limitations of paper digitization
21 software/hardware or attribute conversion do not allow for OCR text conversion of certain
22 images. The report shall include the DOCID or Bates number(s) corresponding to each such
23 image.

24 **17. Production of Translated Text with Non-English Language ESI or Documents**

25 To the extent translated text is available to the producing party through machine language
26 translation, such translations shall be provided to the Receiving Party with the production.
27 Productions of translations of foreign-language documents must be made according to the
28 following specifications, subject to discussion or other agreement between the Parties.

- a. Translations will be reasonably accurate renderings of the original document into the English language.
- b. Translations are to be produced as separate complete document records.
 - i. Translation records are to be produced as part of the family grouping of the foreign-language original.
 - ii. If the foreign-language original is not part of a family grouping, the translation and the foreign-language original are to be treated as a family.
- c. Quality control measures will be in place to identify and correct systemic or otherwise obvious problems with translation, including:

- 1 i. Document formatting and legibility,
- 2 ii. Translation of words and phrases with respect to the context in which they
are commonly used in the production, and
- 3 iii. Translation of dialect, slang, or other non-standard usage that occurs
regularly in the production.
- 4 d. When incomplete or incomprehensible translations are identified by the Parties,
every effort will be made to produce a corrected translation within a reasonable time
5 frame.
- 6 e. Before making the first electronic production installment of translated materials, a
sample of 25-50 records will be produced that demonstrates proper treatment of
7 translated records, including metadata, images, and full text. The sample will include
representative specimens of all types of translated documents to be produced.
- 8 f. English language translations of previously produced documents should be produced
9 in a separate volume and not be comingled with other production documents. An
10 overlay file may be necessary if the foreign-language original is not part of a family
grouping.

11 Documents that typically have more complex graphical layouts than those of narrative text
12 documents and/or that require review in the native application for information or context
(e.g., PowerPoint presentations, Excel spreadsheets) should be produced as a complete
13 translated native record that includes metadata, full text, and imaged versions of the translated
native document and a linked translated native file.

14 **Numbering Scheme of Translated Records**

15 The DOCID field of the translated document record should be populated with the DOCID
16 number of the original document, suffixed with “-T001”. In the event that a translation
exceeds a single page, the suffixed numbers should increment by 1 for each page.

17 For example, if a 2-page foreign-language document (ABC-0012344 to ABC-0012345)
18 results in a 3-page translation record, the relevant document control numbers would be: ABC-
19 0012344-T001 (translation page 1), ABC-0012344-T002 (translation page 2), and ABC-
0012344-T003 (translation page 3).

20 **Metadata Fields – Translation and Foreign Language Records**

- 21 a. **Translation Record** – The metadata fields for the translation record (including
22 BEGATTACH and ENDATTACH) should be populated identically to the metadata
23 fields associated with the foreign-language document, except as follows:
 - 24 i. The RECORD TYPE field value(s) required (e.g., record type, privilege
25 designations) should be supplemented with the additional notation
“Translation”.
- 26 b. **Foreign-language Record** – The metadata fields for the foreign-language document
27 should be supplemented as follows:

- 1 i. The RECORD TYPE field must include the notation of “Translated” in
2 addition to other relevant values (e.g., record type, privilege designations).
- 3 c. **Translation Overlay File** – If the translations are not produced concurrently with
4 the original foreign-language documents, a separate overlay file to update the
5 metadata of the previously loaded records that were not part of family groups must
6 accompany the metadata load files for the translations. The overlay file must include
7 values for the DOCID, BEGATTACH, ENDATTACH and RECORD TYPE fields
8 for all updated records. The fields in the Translation Overlay file would be populated
9 as follows to replace the BEGATTACH, ENDATTACH, and RECORD TYPE field
10 contents for the previously delivered foreign-language record ABC-0021464:

	DOCID	BEG ATTACH	END ATTACH	RECORD TYPE
Overlay File Fields	ABC-0021464	ABC-0021464	ABC-0021465	Edoc; Translated

13 **18. Production of Audio File Transcripts**

14 To the extent audio files are produced and transcripts are available to the Producing Party
15 through machine transcription, such transcripts shall be provided to the Receiving Party with
16 the production. The Producing Party shall provide the audio file transcript as a text file in
17 load ready like any other text file named the BEGDOC#. The parties shall meet and confer
18 regarding any required audio file redactions.

19 **19. Production of Native Files (When Applicable Pursuant to These Specifications)**

20 Production of native files, as called for in these specifications, shall have extracted
21 metadata/database fields provided in a metadata load file format as defined in the field
22 specifications for “Other ESI” as outlined in section 2 as well as a placeholder image which
23 indicates a native file is being produced.

24 ESI shall be produced in a manner which is functionally usable by the Receiving Party. The
25 following are examples:

- 26 a. AutoCAD data, e.g., DWG and DXF files, shall be processed/converted and
27 produced as single-page JPG image files and accompanied by an image formatted
28 load file as described above. The native files shall be placed in a separate folder on
29 the production media and linked by a hyperlink within the text load file.
- 30 b. GIS data shall be produced in its native format and be accompanied by a viewer
31 such that the mapping or other data can be reviewed in a manner that does not
32 detract from its ability to be reasonably understood.
- 33 c. Audio and video recordings shall be produced in native format and be
34 accompanied by a viewer if such recordings do not play in a generic application

(e.g., Windows Media Player).

20. Bates Number Convention

All images should be assigned Bates numbers before production. Each Bates number shall be a standard length, include leading zeros in the number, and be unique for each produced page. The numbers should be endorsed on the actual images at a location that does not obliterate, conceal, or interfere with any information from the source document. Native files should be assigned a single Bates number for the entire file which will represent the native document in the Opticon Image Cross Reference file. The load file will include a reference to the native file path and utilize the NATIVELINK metadata field). The Bates number shall not exceed 30 characters in length and shall include leading zeros in the numeric portion. The Bates number shall be a unique number given sequentially (i.e. page one of document is PREFIX0000000001, page two of the same document is PREFIX0000000002) to each page (when assigned to an image) or to each document (when assigned to a native file). If the parties agree to a rolling production, the numbering convention shall remain consistent throughout the entire production. There shall be no spaces between the prefix and numeric value. If suffixes are required, the parties will use “dot notation.” Below is a sample of dot notation:

	<u>Document #1</u>	<u>Document #2</u>
<i>Page #1</i>	PREFIX00000000001	PREFIX00000000002
<i>Page #2</i>	PREFIX00000000001.002	PREFIX00000000002.002
<i>Page #3</i>	PREFIX00000000001.003	PREFIX00000000002.003

21. Media Formats for Storage and Delivery of Production Data

Electronic documents and data shall be delivered on any of the following media:

- a. CD-ROMs and/or DVD-R (+/-) formatted to ISO/IEC 13346 and Universal Disk Format 1.02 specifications; Blu-ray.
- b. External hard drives (USB 3.0 or higher, formatted to NTFS format specifications) or flash drives
- c. Government approved File Transfer Protocol (FTP) technologies.
- d. Storage media used to deliver ESI shall be appropriate to the size of the data in the production.
- e. Media should be labeled with the case name, production date, Bates range, and Producing Party.

22. Virus Protection and Security for Delivery of Production Data

Production data shall be free of computer viruses. Any files found to include a virus shall be quarantined by the Producing Party and noted in a log to be provided to the Receiving Party. Password protected or encrypted files or media shall be provided with corresponding passwords and specific decryption instructions.

23. Compliance and Adherence to Generally Accepted Technical Standards

1 Production shall be in conformance with standards and practices established by the National
2 Institute of Standards and Technology (“NIST” at www.nist.gov), U.S. National Archives &
3 Records Administration (“NARA” at www.archives.gov), American Records Management
4 Association (“ARMA International” at www.arma.org), American National Standards
5 Institute (“ANSI” at www.ansi.org), International Organization for Standardization (“ISO” at
6 www.iso.org), and/or other U.S. Government or professional organizations.

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24. Read Me Text File

All deliverables shall include a “read me” text file at the root directory containing: total number of records, total number of images/pages or files, mapping of fields to plainly identify field names, types, lengths, and formats. The file shall also indicate the field name to which images will be linked for viewing, date and time format, and confirmation that the number of files in load files matches the number of files produced.

25. Exception Report

An exception report, in .csv format, shall be included, documenting any production anomalies during the collection, processing, and production phases. The report shall provide all available BEGDOC# or DOCID values and metadata listed in section 2, including but not limited to file names and file paths for all affected files.

26. Transmittal Letter to Accompany Deliverables

All deliverables should be accompanied by a transmittal letter including the production date, case name and number, Producing Party name, and Bates range produced. Technical instructions on how to decrypt media should be included in the transmittal letter but the password should be transmitted separately.