

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: ZELIS REPRICING ANTITRUST LITIGATION This Document Relates To: All Associated Cases	Lead Action Case No: 1:25-cv-10734-BEM <i>Consolidated with Case Nos.:</i> <i>1:25-CV-11092-BEM</i> <i>1:25-CV-11167-BEM</i> <i>1:25-CV-11537-BEM</i>
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**JOINT STATEMENT RE ORDER REGARDING PRODUCTION OF
ELECTRONICALLY STORED INFORMATION AND PAPER DOCUMENTS**

Counsel for the Parties respectfully submit this Joint Statement and their competing Proposed Orders Regarding Production of Electronically Stored Information and Paper Documents. The Parties met and conferred regarding the proposed ESI Protocol on May 11, 2026 and June 22, 2026. In advance of, between, and following those conferences, the Parties exchanged drafts of the proposed ESI Protocol and corresponded regarding their respective positions.

The Parties reached agreement on nearly the entire ESI Protocol, with the exception of when and how often privilege logs must be produced. The Parties thus submit position statements on that issue below and competing Proposed ESI Protocols, attached as Exhibits A (Plaintiffs) and B (Defendants), which are identical aside from the disputed issue.

PLAINTIFFS' POSITION STATEMENT:

At the end of the ESI Protocol, Section IV.A, Plaintiffs request the following language:

"Privilege logs shall be produced on a rolling basis, no later than thirty (30) days after the production of documents containing material for which one or more privileges or protections are asserted. So that the Parties can, for example, keep track of changes and the cumulative nature of the set of logged documents, each subsequent privilege log shall contain previously-logged material, but where newer material shall be identified, at least in part, based on the date that the newly-included material was added to the privilege log."

Privilege logs should be produced on a rolling basis, concurrent with or shortly after each document production, rather than withheld until later. A reasonable amount of time to do so is 30 days after the privilege is asserted. Waiting to disclose the universe of withheld documents for several months handicaps depositions and undermines the purpose of discovery itself: the parties cannot know what they don't have, and cannot assess what they're missing, until they see what's being kept back and why.

The 2025 Advisory Committee's note to Rule 26(b)(5)(A) directly endorses this approach. The committee explained that "[p]roduction of a privilege log near the close of the discovery period can create serious problems," and that "[o]ften it will be valuable to provide for 'rolling' production of materials and an appropriate description of the nature of the withheld material."

Courts overseeing complex, document-intensive litigation have likewise adopted exactly this practice. In *In re Loestrin 24 FE Antitrust Litigation*, No. 1:13-md-2472 (D.R.I.), the court's Case Management Order No. 10 (ECF No. 388) required privilege logs within 30 days of each production, tying the logging obligation directly to the production schedule rather than to the close of discovery. The Southern District of Florida's Local Rule 26.1(e)(2) requires privilege logs within only 14 days of production. *Bautech USA, Inc. v. Resolve Equipment, Inc.*, 2024 WL 1929486 *2

(S.D.Fl. 2024). *See also McDonald v. Hasbro Managerial Services LLC*, 2026 WL 1759175 *6 (D.R.I. 2026) (“all future productions shall be accompanied by a privilege log”). Court-ordered rolling productions with corresponding privilege log obligations are not unusual or overly burdensome.

Regular rolling productions of privilege logs makes sense here, and there is no principled reason to delay it. A privilege determination is not a byproduct of some later logging exercise — it is a decision the producing party has already made at the time of production. Defendants’ argument that preparing a privilege log is “a time intensive process that requires careful, context-specific assessment of the participants in a communication, the role of counsel, the legal or business purpose of the communication, common-interest issues, and work-product concerns” refers to the review and decision to withhold documents as privileged, not the exercise to simply log that decision. Plaintiffs agree that the producing party should have a reasonable amount of time to produce privilege logs and suggest 30 days *is* a reasonable time to simply write down a decision that was already made. Even the cases Defendants cite support Plaintiffs’ proposal. *See, eg., Bacchi v. Mass. Mut. Life Ins. Co.*, [110 F. Supp. 3d 270, 273] (D. Mass. 2015) (“The defendant produced its documents, Bates stamped, *along with a privilege log.*”)¹; *In re Department of Justice Subpoenas to ABC*, 263 F.R.D. 66 (D. Mass. 2009) (at least one party produced its logs without needing even 30 days: “ABC provided eleven logs *concurrent with document production.*”)². In *In re Grand Jury Proceedings*, 802 F.3d 57, 68 (1st Cir. 2015), a privilege log was not produced at all.

¹ In *Bacchi*, the Court simply declined to force the defendant to produce a supplemental log; it did not reject simultaneous or rolling privilege logs like Plaintiffs request here.

² *In re Department of Justice* simply held that the privilege is not waived just because the log came after the assertion of the privilege.

Every document withheld from a rolling production has, by definition, already been reviewed and classified as privileged or not; the party knows which documents it pulled and on what basis. Logging that decision within a month of production imposes no additional burden beyond memorializing a decision the party has already reached. There is no legitimate reason to defer disclosure of a decision that has already been made; waiting only jams the Requesting Party. Defendants' proposal to wait nearly five months for the first log and have it limited to only 150 entries has no reasonable explanation, threatens the Court's schedule, and prejudices the Requesting Party who could miss important topics for examination at depositions.

The cost of waiting to produce privilege logs falls disproportionately on the Requesting Party and on the efficient conduct of depositions. If the parties do not know the universe of withheld documents before depositions begin, they cannot know whether a given deponent's testimony is complete, whether documents relevant to that deponent's role or knowledge are being withheld, or whether a privilege challenge might later surface material that would have informed the questioning. If a privilege log arrives only after depositions occur and a challenge to entries involving a particular deponent succeeds, the practical remedy is to reopen that deposition — after the fact, at additional expense. A rolling log obligation avoids that outcome altogether by giving the parties the information they need to conduct complete depositions the first time.

If Defendants' proposal is adopted, fairness would require the Producing Party to reproduce for deposition any witness, at that Party's cost, who was already deposed and is implicated in any way by a subsequently produced document that was initially withheld.

DEFENDANTS' POSITION STATEMENT:

The Parties' remaining dispute concerns the timing and frequency of privilege logs. Privilege review and the preparation of privilege logs are time-intensive processes that require careful legal judgment and an understanding of the relevant context, including oftentimes through documents that will come later in a party's document review process. Defendants have therefore proposed producing privilege logs in two phases: first, an initial privilege log of up to 150 entries by November 13, 2026; and second, a final privilege log to be produced after a party has completed its production of responsive documents, within a period to be agreed upon by the Parties through meet and confer. This proposal balances Plaintiffs' desire to receive a privilege log from each Defendant before the completion of document production (so that the Parties can confer regarding initial privilege determinations) against the burden and inefficiency that more frequent logging would impose.

Plaintiffs have rejected that proposal and instead insist on a rigid rule (that does not exist in the First Circuit) that privilege logs must be produced within 30 days of the document production to which they relate. Plaintiffs' rigid proposal is simply not practicable. Indeed, it would require Defendants to divert substantial resources to prepare and quality-check privilege logs on a rolling basis, making it harder—not easier—for Defendants to meet the current case schedule. It is therefore unsurprising that Plaintiffs' proposal is inconsistent with the governing rules, First Circuit authority, and even the cases that Plaintiffs cite.

As explained further below, this Court should adopt Defendants' proposal.

I. The Governing Rules and First Circuit Authority Require a Case-Specific Reasonableness Inquiry—Not Mandatory Rolling Privilege Logs.

The Federal Rules of Civil Procedure do not require rolling privilege logs. The 2025 amendments to Rules 16 and 26 require parties to address “timing and method” for complying

with Rule 26(b)(5)(A), but they do not mandate rolling privilege logs in every case. The District of Massachusetts Local Rules impose no such requirement either, let alone a requirement that privilege logs be exchanged within 30 days of each production. *See* D. Mass. L.R. 26.1–26.6.

As the Advisory Committee Notes to Rule 26 recognize, compliance with Rule 26(b)(5)(A) “can involve very large burdens for all parties”; the amendments seek to provide “maximum flexibility”; and “what is needed in one case may not be necessary in another” because “[n]o one-size-fits-all approach would actually be suitable in all cases.” *See* Fed. R. Civ. P. 26(f)(3)(D) Advisory Committee’s Note to 2025 amendments. Plaintiffs rely on the Committee’s observation that rolling logs will “often” be valuable, *id.*, but “often” is not “always,” and the same Note expressly rejects a one-size-fits-all approach.

Instead, the First Circuit has adopted a reasonable-time standard, under which privilege logs should be provided within a “reasonable” time such that the producing party has adequate opportunity to fully evaluate the documents and the requesting party “has ample opportunity to contest the privilege claim.” *In re Grand Jury Proceedings*, 802 F.3d 57, 68 (1st Cir. 2015); *see In re Dep’t of Justice Subpoenas to ABC*, 263 F.R.D. 66, 70 (D. Mass. 2009) (applying a reasonableness standard); *Stamps v. Town of Framingham*, 38 F. Supp. 3d 134, 148–50 (D. Mass. 2014) (recognizing that privilege-log obligations should be assessed practically). Consistent with that approach, courts in this district have declined to impose additional logging requirements that delay discovery where Rule 26(b)(5)’s functional purpose can otherwise be satisfied. *See, e.g., Bacchi v. Mass. Mut. Life Ins. Co.*, 110 F. Supp. 3d 270, 273–74 (D. Mass. 2015).

II. Defendants’ Reasonable, Targeted Proposal Is Consistent With the Governing Rules and First Circuit Authority.

Defendants’ proposal regarding the timing and frequency of privilege logs is reasonable and consistent with the applicable rules and case law. Defendants have proposed producing

privilege logs in two phases. First, the Parties would produce an initial privilege log of up to 150 entries—or all privileged documents identified to date, if fewer than 150—by November 13, 2026, more than 16 weeks before the end of fact discovery, in accordance with Sections VI.A–D of the ESI Protocol. This proposal gives Plaintiffs early visibility into Defendants’ privilege assertions and provides an opportunity to raise any concerns or identify issues, while avoiding the disproportionate disruption that would result from mandatory rolling logs tied to each production. *See In re Grand Jury Proceedings*, 802 F.3d at 68.

Second, each Party would produce a final privilege log after it has completed its production of responsive documents, within a period to be agreed upon by the Parties through meet and confer. This privilege log would contain all materials previously listed on the initial privilege log, as well as any additional materials withheld on the basis of privilege or any other applicable protection, and would comply with Sections VI.A–D of the ESI Protocol.

Plaintiffs try to justify the burden of a mandatory rolling-log requirement by asserting that they need to know the “universe of withheld documents” before depositions. But the answer to Plaintiffs’ concern is not to require the Parties to prepare rolling logs on a strict schedule that would substantially impede ongoing document review and production. *See In re Grand Jury Proceedings*, 802 F.3d at 68. Instead, if a particular deposition presents a concrete need for privilege-log information concerning a specific custodian, topic, or set of documents, the Parties can meet and confer regarding appropriate, targeted relief and, if necessary, seek guidance from the Court.

Plaintiffs’ attempts to distinguish First Circuit and in-district authority miss the point. The First Circuit’s governing principle is that a court must assess the timing and frequency of privilege logs under a reasonable-time standard, not a strict rolling-log rule. The relevant inquiry is thus

whether, in the circumstances of a particular case, a producing party has adequate time to evaluate the documents and a requesting party has a meaningful opportunity to contest the privilege claim. Here, Defendants’ two-phase proposal satisfies that standard: the Parties would exchange initial privilege logs well before the close of fact discovery and final privilege logs after production of responsive documents has been completed, within a period to be agreed upon by the Parties through the meet-and-confer process.

III. Plaintiffs’ Proposal Would Impose a Disproportionate and Unnecessary Burden on Defendants and Undermine Defendants’ Ability to Complete Document Review and Rolling Productions Within the Current Case Schedule.

Here, case-specific considerations weigh strongly against Plaintiffs’ proposed rolling-log requirement. *First*, Defendants bear the substantially larger burden of review. Defendants expect to collect and review large volumes of data and documents from multiple custodial and noncustodial sources, conduct responsiveness, confidentiality, and privilege review, apply redactions where appropriate, and make rolling productions under an expedited case schedule. Requiring rolling privilege logs would divert significant attorney and vendor resources from the review and production work needed to advance fact discovery.

Second, Plaintiffs’ assertion that privilege logs “can be produced shortly after” a document has been marked “privileged” during the review process materially understates the nature of privilege review and the preparation of privilege logs. Privilege review is not a mechanical byproduct of document review, and a privilege designation made during the course of a first-level document review is not the same thing as a final, log-ready privilege determination. To the contrary, preparing privilege-log entries is a time-intensive process that requires careful, context-specific assessment of the participants in a communication, the role of counsel, the legal or business purpose of the communication, common-interest issues, and work-product concerns. Requiring Defendants to finalize privilege-log entries on a rolling basis would force Defendants

to make privilege determinations before the full context of related materials has been reviewed, which significantly increases the risk of incomplete, inconsistent, and/or premature privilege determinations—particularly during early production waves before related communications and materials have been fully reviewed.

Third, the burden to Defendants is especially significant given the expedited case schedule, with fact discovery closing on March 8, 2027. Defendants must collect, review, and make rolling productions of responsive, non-privileged documents while simultaneously addressing redactions, privilege determinations, and, if applicable, TAR-related procedures. Superimposing a fixed rolling-log cadence, as Plaintiffs propose, would require Defendants to allocate substantial review resources to preparing and quality-checking privilege logs before having the benefit of the fuller context that may be provided by related, later-reviewed communications and other materials.

IV. Plaintiffs’ Out-of-District Cases Are Non-Controlling, Distinguishable, and Case-Specific.

Plaintiffs’ cited cases do not require a different result. Plaintiffs cite a case-management order entered in *In re Loestrin 24 FE Antitrust Litigation*, No. 1:13-md-2472 (D.R.I. 2018) in support of their argument that privilege logs in this case should be produced within 30 days of production. *See* Interim Case Management Order No. 10, Dkt. 388. Plaintiffs also cite to the court’s decision in *MacDonald v. Hasbro Managerial Services, LLC, et al.*, which ordered that “all future productions shall be accompanied by a privilege log.” No. 1:25-cv-00096, 2026 WL 1759175, at *6 (D.R.I. June 18, 2026). But neither *Loestrin* nor *MacDonald* is a District of Massachusetts decision, and neither establishes any rule requiring rolling privilege logs in this case. These cases also reflects case-specific decisions: the *Loestrin* court required rolling privilege logs only for productions made after the substantial-completion deadline, while setting a single deadline for logs covering documents produced by the substantial-completion deadline, Dkt. 388

at 2, while the *MacDonald* court entered its discovery order in response to a motion to compel filed nearly 10 months into fact discovery, where the defendants had produced “just over” 100 pages of documents and “an additional small set of documents,” 2026 WL 1759175, at *1–2. At most, *Loestrin* and *MacDonald* confirm that courts tailor privilege-log timing to the circumstances of the case—the very approach contemplated by the 2025 Advisory Committee Notes.

Bautech USA, Inc. v. Resolve Equipment, Inc., No. 23-cv-60703, 2024 WL 1929486 (S.D. Fla. May 2, 2024) is even less persuasive. *Bautech* is an out-of-Circuit case and does not establish any rule—much less one applicable in this district—requiring rolling privilege logs. *Bautech* also turned on a Southern District of Florida Local Rule that expressly required privilege logs to be produced within 14 days of a production unless otherwise agreed to by the parties or ordered by the court. *See* S.D. Fla. L.R. 26.1(e)(2)(D). The District of Massachusetts has no comparable Local Rule. Plaintiffs’ reliance on non-controlling, out-of-district cases confirms that the relief they seek is not required by Rule 26(b)(5)(A), the Local Rules, or controlling First Circuit authority.

Even if Plaintiffs’ cited cases had persuasive value, they are distinguishable because Defendants here are not proposing an open-ended deferral of the privilege log until the close of fact discovery. Defendants have proposed a concrete initial-log deadline—November 13, 2026—that provides Plaintiffs with early information regarding Defendants’ privilege assertions while preserving Defendants’ ability to complete careful privilege review under the expedited schedule. That approach satisfies Rule 26(b)(5)(A), accords with the First Circuit’s reasonable-time standard, and avoids the substantial disruption to Defendants’ document review and production that would result from Plaintiffs’ proposed rolling-log regime.

* * *

For these reasons, Defendants respectfully request that the Court adopt Defendants' proposed language in Section VI.A of the ESI Protocol and decline to impose Plaintiffs' proposed rolling privilege-log requirement.

Dated: July 6, 2026

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CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2026, I caused a true and correct copy of the Joint Statement Regarding Production of Electronically Stored Information and Paper Documents, to be filed with the Clerk of Court using the CM/ECF system which will serve as notification of such filing to the email address of all counsel of record in this action.

/s/ Jason S. Hartley

EXHIBIT A

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: ZELIS REPRICING ANTITRUST LITIGATION This Document Relates To: <i>All Actions</i>	Lead Action Case No: 1:25-cv-10734-BEM <i>Consolidated with Case Nos.:</i> <i>1:25-CV-11092-BEM</i> <i>1:25-CV-11167-BEM</i> <i>1:25-CV-11537-BEM</i>
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PLAINTIFFS' [PROPOSED] STIPULATED ORDER REGARDING PRODUCTION OF ELECTRONICALLY STORED INFORMATION AND PAPER DOCUMENTS

This Order Regarding Production of Electronically Stored Information and Paper Documents (“ESI Protocol Order”) shall govern the Parties and Non-Parties in this litigation whether they currently are involved or become so in the future, and any related actions that may later be consolidated with this litigation (collectively, the “Litigation”).

Nothing in this ESI Protocol Order shall be construed to affect the admissibility of discoverable information. Under this ESI Protocol Order, information regarding search processes and electronically stored information (“ESI”) practices may be disclosed, but compliance with this ESI Protocol Order does not constitute a waiver, by any Party, of any objection to the production of particular ESI as irrelevant, undiscoverable, inadmissible, unduly burdensome or not reasonably accessible, or privileged, nor does it constitute a waiver of any right to discovery by any Party. For the avoidance of doubt, a Party’s compliance with this ESI Protocol Order will not be interpreted to require disclosure of information potentially protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege. This ESI Protocol Order should be read together with and interpreted in light of the forthcoming Stipulated HIPAA-Qualified Protective Order, the Stipulated Preservation Order, and any other orders to be entered by the Court.

I. GENERAL PROVISIONS

- A. **Applicability:** This ESI Protocol Order will govern the review and production of ESI and paper documents.
- B. **Federal Rules:** Except as may be set forth herein, this ESI Protocol Order does not alter or affect the applicability of the Federal Rules of Civil Procedure or the Local Rules for the District of Massachusetts (the “Local Rules” or, when referencing a particular rule, a “Local Rule”).
- C. **Deadlines:** References to schedules and deadlines in this ESI Protocol Order shall comply with Federal Rule of Civil Procedure 6 with respect to computing deadlines.
- D. **ESI Liaisons:**
 - 1. **Designation:** Plaintiffs and each Defendant agrees to designate ESI Liaisons within 7 days after entry of this ESI Protocol Order. Any Party is free to change its designated ESI Liaison by providing written notice to the other Parties.
 - 2. **Duties of ESI Liaison:** Each ESI Liaison will be prepared to promptly participate in meet-and-confer processes in a good faith effort to resolve any e-discovery disputes or ESI issues that may arise (or designate another person as primarily responsible) and have access to personnel knowledgeable about the Party’s electronic systems and capabilities in order to, as appropriate, answer pertinent questions. The Parties will rely on the liaisons, as needed, to confer about ESI and to try to resolve technical disputes without Court intervention.
- E. **Definitions:**
 - 1. Plaintiffs and Defendants are referred to as the “Parties” solely for the purposes of this ESI Protocol Order.

2. “Plaintiffs” as used herein shall mean the individual plaintiffs named in the Amended and Consolidated Class Action Complaint (Dkt. 39), and such Plaintiffs’ counsel.
 3. “Defendants” as used herein shall mean the Defendants named in the Amended and Consolidated Class Action Complaint (Dkt. 39), and such Defendants’ counsel.
 4. “Non-Parties” as used herein shall mean other individuals or entities who may produce ESI and paper documents in this Litigation, who will be subject to the terms of this ESI Protocol Order to the same extent as the Parties.
- F. **Confidential Information:** For the avoidance of doubt, nothing herein shall contradict the Parties’ rights and obligations with respect to any information designated as confidential material under any order entered by the Court in the Litigation or the Stipulated HIPAA-Qualified Protective Order entered into by the Parties.

II. GENERAL PRODUCTION FORMAT PROTOCOLS

- A. The Parties agree to produce documents in the formats described below. A producing or requesting party may seek to use a different format for a targeted set of documents if the agreed format is not reasonably technically feasible to review or produce, in which case the Parties shall promptly meet and confer with respect to such request and shall submit the issue for resolution by the Court only if they are unable to resolve the dispute through the meet-and-confer process. To the extent practicable, any alternative formats proposed should not materially degrade the searchability and useability of ESI or other materials.

B. **TIFFs:** Except for structured data and specified file types addressed in “Production of Native Items” below, all production images will be provided as black-and-white (except as provided below), single-page Group IV TIFFs of at least 300 DPI resolution with corresponding multi-page text and necessary load files. Each image will have a file name that is the unique Bates number of that image, pursuant to Section G below. Each image shall be branded according to the Bates number and any confidentiality designation. Original document orientation should be maintained to the extent reasonably practicable and technologically possible for a producing Party’s vendor (i.e., portrait to portrait and landscape to landscape). Hidden content, tracked changes, edits, comments, notes, and other similar information viewable within the native file shall, (1) to the extent reasonably practicable, also be imaged so that this information is captured on the produced image file, and (2) if such imaging is not reasonably practicable, be produced in native format. Documents that are difficult to render in TIFF may be produced in their native format with a placeholder TIFF image stating the Bates number of the file and the wording “Document Produced Natively” (along with any appropriate confidentiality designation), unless such documents contain redactions, in which case the documents will be produced in TIFF format. Documents that are difficult to render in TIFF and which require redaction may be produced with redactions applied in the native file, so long as the redactions are applied using an industry-recognized native redaction tool, such as “Blackout” or “BlackBar.” A producing Party retains the option to produce ESI in alternative formats if so agreed by the requesting Party or Parties, which may include native format or a combination of native and TIFF formats.

- C. **Text Files:** Each ESI item produced under this ESI Protocol Order shall be accompanied by a text file as set out below. All text files shall be provided as a single document level text file for each item, not one text file per page. Each text file shall be named with the Bates number of the first page of the corresponding production item. Text files shall contain any hidden content, tracked changes, edits, comments, notes, and other similar information of the ESI item to the extent technically feasible.
1. **OCR:** A producing Party may make paper documents available for inspection and copying/scanning under Fed. R. Civ. P. 34 or, additionally or alternatively, scan and OCR paper documents if it chooses. Where OCR is used, the Parties will take all reasonable steps to generate accurate OCR. The Parties acknowledge that, due to poor quality of the originals, not all documents lend themselves to the generation of accurate OCR. In such instances, or if a producing Party does not choose to use OCR at all, the producing Party will either (a) make the paper documents available for inspection and copying under Fed. R. Civ. P. 34, or (b) identify in the load file that the file is not OCR.
 2. **ESI:** Emails and other ESI will be accompanied by extracted text taken from the electronic file itself, where available.
- D. **Production of Native Items:** The Parties agree that ESI shall generally be produced as TIFFs with an accompanying load file containing the ESI data points listed in Appendix 1 hereto. The exceptions to this rule shall be: (a) documents for which the metadata or other information readily identifiable for the producing party indicates the document contains hidden content, embedded comments, or tracked changes (e.g., a Microsoft Word document with “bubble” comments and/or different color tracked changes),

(b) spreadsheet-application files (e.g., Microsoft Excel), (c) presentations (e.g., Microsoft PowerPoint), (d) source code, (e) multimedia audio/visual files, such as voice and video recordings (e.g., .wav, .mpeg, and .avi), and (f) any other user-generated native file types that cannot be rendered as readable image files. For the avoidance of doubt, user-generated files do not include routine system-generated files, application-generated files, or technical embedded files that are automatically extracted during document processing (e.g., .xml,.dat, .bin, font files, other structural files). These categories of ESI shall be produced in native format to the extent reasonably practicable. Each produced native file shall be named with the assigned Bates number and any appropriate confidentiality designation.

1. In addition to producing the above file types in native format, the producing Party shall produce a single-page, Bates-numbered TIFF slip sheet indicating that a native item was produced with the wording “Document Produced Natively,” along with extracted text where available and with the applicable data points listed in Appendix 1. The corresponding load file shall include NativeFileLink information for each native file that is produced.
2. The Parties agree to meet and confer before producing native file types other than those described in (a)-(e) above, in which case the producing Party shall disclose the file type to, and meet and confer with, the requesting Party on a reasonably useable production format.
3. The Parties agree to meet and confer to the extent there is potentially relevant structured data that resides in a fixed field within a record or file, or stored in a structured format, such as databases/data application files (such as Oracle, SQL,

Access, SAP) or data sets, to determine the best reasonable form of production of usable data.

4. Through the pendency of the Litigation, the producing Party shall exercise reasonable, good-faith efforts to maintain all preserved and produced native files in a manner that does not materially alter or modify the file or the metadata.
- E. **Requests for Other Native Files:** Other than as specifically set forth above or in this paragraph, a producing Party need not produce documents in native format. If a Party would like a particular document produced in native format and this ESI Protocol Order does not require the production of that document in its native format, the Party making such a request shall explain by identifying by Bates number(s) the specific document(s) at issue and explaining the reason for its request that the document(s) be produced in its native format, as to which request the Parties shall meet and confer in good faith and shall submit to the Court for resolution only if the Parties have been unable to resolve any dispute through the meet-and-confer process, with the Party seeking production in native format bearing the burden to demonstrate why it needs the native format. Any native files that are produced pursuant to this paragraph should be produced with a link in the NativeFile field, along with all extracted text and applicable metadata fields set forth in Appendix 1.
- F. **Instant Messages/SMS/Text Messages and Mobile Data:** To the extent the Parties reach agreement concerning the relevance, proportionality, collection, and production of instant messages/SMS/text messages and/or data contained on mobile devices such as smartphones and tablet computers, or such materials are compelled to be produced

in this Litigation, the Parties shall meet and confer before such production to determine the best production format for such ESI.

G. Bates Numbering:

1. All produced images must be assigned a Bates number that must always: (1) be unique across the entire document production, (2) maintain a constant prefix and length (e.g., ten-digits and 0-padded) across the entire production, (3) contain no special characters or embedded spaces, except hyphens or underscores, (4) be sequential within a given document, and (5) identify the producing Party. To the extent reasonably practicable, the Bates number must also maintain consistent numbering across a family of documents.
2. If a Bates number or set of Bates numbers is skipped in a production, the producing Party will so note in a cover letter or production log accompanying the production.
3. To the greatest extent practicable, the producing Party will brand all TIFF images at a location that does not obliterate or obscure any part of the underlying images. If Bates number branding obliterates or obscures any part of an underlying image, upon request of the requesting Party, the producing Party shall re-produce the affected ESI items with the branding in a different location that does not obliterate or obscure the underlying images.

H. Parent-Child Relationships: Parent-child relationships (the association between an attachment and its parent document) that have been maintained in the ordinary course of business should be preserved to the extent reasonably practicable. For example, if a Party is producing a hard-copy printout of an e-mail with its attachments, the

attachments should be processed in order behind the e-mail to the extent reasonably practicable. The family of documents should also be identified using a family ID number or other unique identifying number, such as the beginning Bates number of the parent document.

- I. **Load Files:** All production items will be provided with a delimited data file or “load file,” which will include both an image cross-reference load file (e.g., an Opticon file), as well as a metadata (.dat) file with the metadata fields identified in Appendix 1 on the document level to the extent available. The load file must reference each TIFF in the corresponding 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 Image Load files in the production. Load files shall not vary in format or structure within a production, or from one production to another.
- J. **Color:** Any document produced as a native file shall be produced as it was regularly utilized and, to the extent applicable, in color. Other documents or ESI containing color generally need not be produced in color in the first instance. However, if the original color is necessary to understand the meaning or content of the document, the producing Party shall produce the documents in its original color. If the producing Party does not promptly agree to produce any other requested document or item in color, the Parties shall promptly meet and confer in good faith before submitting any dispute to the Court. The production of any documents and/or ESI in color shall be made in single-page JPEG format (300 DPI). All requirements for productions stated in this ESI Protocol Order regarding productions in TIFF or native format apply to any productions of documents and/or ESI in color made in such an alternative format.

- K. **Confidentiality Designations:** If a particular document or ESI item qualifies for confidential treatment under the terms of any protective order entered by the Court in the Litigation or the Stipulated HIPAA-Qualified Protective Order entered into by the Parties, the designation shall be branded on the document's image at a location that, where applicable, does not obliterate or obscure any part of the underlying images. The confidentiality designation shall also be included in the file name of any produced native file, as described in Section II(D). This confidentiality designation also should be included in the appropriate data field in the load file. Failure to comply with the procedures set forth in this ESI Protocol Order shall not waive any protection or confidential treatment. If confidentiality designation branding obliterates or obscures any part of an underlying image, on request of the receiving Party, the producing Party shall re-produce the affected ESI items with the branding in a different location that does not obliterate or obscure the underlying images.
- L. **Production Media & Protocol:** A producing Party may produce document images, load files and metadata on USB drives, external hard drives, or other mutually agreeable media ("Production Media"). Production sets may also be transferred via secure FTP or encrypted web-hosted transfer. Any requesting Party that is reasonably unable to resolve any technical issues with the electronic production method used for a particular production may request that a producing Party provide a copy of that production using Production Media, as described below.
1. All Production Media will be encrypted, and the producing Party will provide a decryption key to the requesting Party in a communication separate from the production itself. Each piece of Production Media will be assigned a production

number or other unique identifying label corresponding to the date of the production of documents on the Production Media, as well as the sequence of the material in that production. For example, if the production comprises document images on three external hard drives, the producing Party may label each hard drive in the following manner: “[PARTY] Production March 1, 2025-001,” “[PARTY] Production March 1, 2025-002,” and “[PARTY] Production March 1, 2025-003.” Where the Production Media used is an external hard drive (with standard PC compatible interface) or USB drive, such production media must be sent no slower than overnight delivery via FedEx, UPS, USPS, or private courier.

2. Each item of Production Media (or, in the case of productions made via FTP link or other secure online transfer, each production transmittal letter) shall include (1) the producing Party’s name; (2) text referencing that it was produced in this Litigation, (3) the production date, and (4) the Bates number range of the materials contained on such Production Media item.
3. Any replacement Production Media will cross-reference the original Production Media and clearly identify that it is a replacement and cross-reference the Bates number range that is being replaced. Each Party shall designate the appropriate physical address for productions that are produced on Production Media. However produced, a producing Party shall provide clear instructions for accessing the production, including any necessary passwords or encryption keys.

M. **Materials Collected for or Produced in Other Litigation or Investigations:** If a producing Party intends to satisfy a request for production by producing materials collected or produced in a case consolidated into this Litigation or in a different litigation or investigation, at the time the producing Party discloses its search methodology, it shall disclose in writing (a) the fact that the producing Party intends to use such materials to satisfy certain request(s) for production, (b) the case caption or information necessary to identify the entity conducting the investigation, and (c) information sufficient to show how materials were collected and culled for actual or potential production in the other matter (e.g., requests for production, custodial and non-custodial sources searched, search terms or methods used, and time periods applied to collection or culling), as well as any logs or discovery responses describing materials withheld or redacted on any basis, including privilege. A requesting Party retains the right to challenge the sufficiency of any production not subject to the ESI, search, and privilege methodology agreed to under this ESI Protocol Order. If a requesting Party raises such a challenge, the requesting and producing Parties shall promptly meet and confer in a good faith effort to resolve any dispute and shall submit the matter to the Court for resolution only if they are not able to reach resolution through the meet-and-confer process.

III. **PAPER DOCUMENT PRODUCTION PROTOCOL**

A. **Coding Fields:** The following information shall be produced in the load file accompanying production of paper documents: (a) BegBates, (b) EndBates, (c) BegAttach, (d) EndAttach, (e) Custodian, (f) Confidentiality, (g) Redacted, and (h)

Text Path. Additionally, all paper documents will be produced with a coding field named “Paper” marked with a “Y.”

- B. **Unitization of Paper Documents:** The Parties shall use reasonable best efforts to ensure that paper documents, including those in files and binders, are logically unitized for production. When scanning paper documents for production, distinct documents shall not be merged into a single record and single documents shall not be split into multiple records to the greatest extent possible. The Parties will use best efforts to ensure that paper documents are produced in consecutive Bates stamp order.

IV. **ESI METADATA FORMAT AND PROCESSING ISSUES**

- A. **Excluded Files:** ESI productions may be de-NISTed using the industry standard list of files maintained in the National Software Reference Library by the National Institute of Standards & Technology as it exists at the time of de-NISTing. Other file types and forms of data that may be excluded are described in IV.G, and additional file types may be added to the list of excluded files by further written agreement of the Parties.
- B. **Metadata Fields and Processing:**
1. **Date and Time/Time Zone:** No Party shall modify the date or time as contained in any original ESI, except, to the extent reasonably practicable, ESI items shall be processed using a consistent time zone (e.g., CST), and the time zone used shall be disclosed to the requesting Party.
 2. **Auto Date/Time Stamps or Other Automatically Updating Fields:** To the extent reasonably practicable, ESI items shall be processed so to preserve the date/time shown in the document as it was last saved, rather than the date of collection or processing.

3. If a producing Party believes the above provision(s) are not reasonably practicable for some portion of its production, it shall inform the requesting Party or Parties and promptly meet and confer in a good faith effort to resolve any dispute. The Parties may submit any such dispute to the Court for resolution only if they have been unable to reach resolution through the meet-and-confer process.
4. Except as otherwise set forth in this ESI Protocol Order, ESI files shall be produced with at least each of the data fields set forth in Appendix 1 that can reasonably be extracted from a document.
5. The Parties are not obligated to manually populate any of the fields in Appendix 1 if such fields cannot reasonably be extracted from the document using an automated process, with the exception of the following fields: (a) BegBates, (b) EndBates, (c) BegAttach, (d) EndAttach, (e) all Custodians of the document, (f) Confidentiality, (g) Redacted (Y/N), and (h) NativeFile fields, which should be populated, when applicable, regardless of whether the fields can be populated by an automated process.

C. Redaction:

1. The Parties agree that, for any ESI items for which this ESI Protocol Order otherwise permits production in TIFF format, redactions may be made in TIFF format, with each redaction clearly indicated. Any metadata fields reasonably available and that can be disclosed without disclosing privileged information shall be provided. The producing Party may, alternatively, produce the item as a redacted native file in accordance with the following paragraph.

2. If the items redacted and partially withheld from production would otherwise be required to be produced as native files under this ESI Protocol Order, then they should be produced as native files with redactions to the extent possible using an industry-recognized native redaction tool, such as “Blackout” or “BlackBar.”
3. If an item otherwise required to be produced as a native file under this ESI Protocol Order must be withheld in part, then, to the extent reasonably practicable, the entire ESI item must be produced in TIFF format, including all unprivileged pages, hidden fields, and other information that may not print when opened as last saved by the custodian or end user. For PowerPoint-type presentation decks, this shall include, but is not limited to, any speaker notes. For Excel-type spreadsheets, this shall include for any particular Excel file, but is not limited to, all worksheets, hidden rows and columns, all cell values, annotations, and notes. The producing Party shall also make reasonable efforts to ensure that any spreadsheets produced only as TIFF images due to redaction are formatted so as to be legible. For example, column widths should be formatted so that the values, including, but not limited to, all data and any column name or column header in the column will display, rather than show “#####.”
4. If audio/visual or other media files require “redaction,” the parties shall promptly meet and confer concerning the format of production and privilege assertions. If the parties are unable to reach agreement through meet and confer discussions, they may seek resolution from the Court.

D. Email Collection and Processing:

1. **Email Threading:** The Parties may use email threading to avoid review and production of duplicative information contained within an existing email thread in another document being reviewed and produced, but under no circumstances will email thread suppression (a) eliminate the ability of a requesting Party to identify every custodian who had a copy of a produced document or sent or received an email, or (b) remove from a production any unique branches and/or attachments contained within an email thread. Parties may request unthreaded copies of particular documents in advance of depositions, which will not be denied absent good cause.
2. **Email Domains:** A producing Party may exclude from their ESI search process uniquely identifiable categories of documents (i.e., emails from domains typically associated with junk email, such as non-industry retailer advertising, non-industry newsletters, or alerts from non-industry sources) provided that it discloses domain names excluded under this section before conducting review and production and promptly meets and confers in good faith with respect to any proposal to exclude one or more domain names. The Parties may submit any dispute over the exclusion of a domain name to the Court for resolution only if the Parties have been unable to reach resolution through the meet-and-confer process.

- E. **Rolling Productions:** The Parties agree to produce documents in phases on a rolling basis consistent with the Court's orders relating to scheduling.

F. **De-duplication:** A producing Party may de-duplicate files in a method that does not result in the responsive documents with unique content being withheld from production. Removal of near-duplicate documents shall not occur without first conferring in good faith with the requesting party and reaching an agreement as to scope and methodology. Unless otherwise agreed by the Parties, the following requirements apply to all document de-duplication by a producing Party:

1. All BCC recipients whose names would have been included in the BCC metadata field, to the extent such metadata exists, but are excluded because of de-duplication, must be identified in the BCC metadata field specified in Appendix 1 to the extent such metadata exists. In the event of rolling productions of documents or ESI items, the producing Party will, as needed, supplement the load files with updated CustodianOther information, as well as BCC information to the extent such metadata exists. Duplicate custodian information may be provided by a metadata “overlay” and will be provided by a producing Party after the Party has substantially completed its production of ESI.
2. Duplicate electronic documents shall be identified by MD5 or SHA-1 hash values for binary file content. All electronic documents bearing an identical value are a duplicate group. The producing Party may produce only one document or native file for duplicate ESI documents within the duplicate group to the extent practicable. The producing Party is not obligated to extract or produce entirely duplicate ESI documents.

3. Duplicate messaging files shall be identified by MD5 or SHA-1 hash values for the email family, which includes the parent and email attachments.
4. If a producing party intends to use a de-duplication that does not comply with the above provisions, it shall inform the requesting Party or Parties of the fact and nature of the intended alternative method, after which the parties shall promptly meet and confer in a good faith effort to resolve any disputes about such proposal. The Parties may submit any dispute on this issue to the Court for resolution only if they have been unable to reach resolution through the meet-and-confer process.

G. **Zero-byte Files, Duplicative, and Otherwise Extraneous Data:** The Parties may filter out the following files and data:

1. Zero-byte files—stand-alone files identified as zero-bytes in size—that do not contain responsive file links or file names. If the requesting Party in good faith believes that a zero-byte file was withheld from production and contains information responsive to a request for production, the requesting Party may request that the producing Party produce the zero-byte file. The requesting Party may provide a Bates number to the producing Party of any document that suggests a zero-byte file was withheld from production and contains information responsive to a request for production. If a producing Party proposes to apply filters to identify zero-byte files and limit documents and ESI that is collected for processing and review, the producing Party shall advise the requesting Party and the Parties shall meet and confer regarding such filters prior to review and production;

2. Backup data files that are maintained in the normal course of business for purposes of disaster recovery, including (but not limited to) backup tapes, disks, SAN, and other forms of media, provided, however, that nothing in this provision shall preclude a requesting Party from seeking (through meet and confer and application to the Court) to require a producing Party to review and produce materials from such backup data files to the extent the requesting Party contends such review and production is appropriate and proportional to the case given the anticipated contents of the backup data files and the content of other files the producing party is collecting and reviewing;
 3. On-line access data such as temporary internet files, history files, cache files, and cookies;
 4. Operating system files and executable files, except for any source code used as part of a pricing methodology for out-of-network goods and services; and
 5. Structural files not material to individual file contents (e.g., .CSS, .XSL, .XML, .DTD, etc.).
- H. **Microsoft “Auto” Feature:** To the extent reasonably practicable and technologically possible for a producing Party’s vendor, Microsoft Excel (.xls) and Microsoft PowerPoint (.ppt) documents should be analyzed for the “auto” features, where documents have an automatically updated date and time in the document, file names, file paths, or similar information that when processed would be inaccurate for how the document was used in the ordinary course of business. If “auto date,” “auto file name,” “auto file path,” or similar features are identified, the produced document shall be branded with the words “Auto Date,” “Auto File Name,” or “Auto File Path” formula

used or similar words that describe the “auto” feature, to the extent reasonably practicable.

- I. **Hidden Text:** To the extent reasonably practicable, ESI items shall be processed in a manner that preserves hidden columns or rows, hidden text, worksheets, speaker notes, tracked changes, and comments. The Parties shall use reasonable efforts to ensure that, at the time of production, all hidden columns or rows, hidden text, worksheets, speaker notes, tracked changes, and comments are visible on the face of the TIFF image(s), unless redacted in accordance with this ESI Protocol Order.

- J. **Embedded Objects, Spreadsheets and Hyperlinked Files:** Objects embedded in documents (e.g., in Word or Excel documents) shall, when reasonably practical and able to be extracted on a systematic basis utilizing the company’s existing software capabilities, be extracted and produced as separate documents and treated like attachments to the document. The Parties agree that other nonrelevant embedded objects including, but not limited to, logos, icons, and footers, may be culled from a document set and need not be produced as separate documents by a producing Party (i.e., such embedded objects will be produced within the document itself, rather than as separate attachments). Hyperlinked files (other than hyperlinks to external websites not within the possession, custody, or control of the producing party) shall be produced as child documents to the parent containing the hyperlink, when reasonably practicable utilizing the company’s or vendor’s existing software capabilities. The Parties will meet and confer in a good faith effort to identify a reasonable and proportional process of addressing hyperlinked files stored in a collaborative work environment (e.g., MS SharePoint or Google Drive) that are linked to any email or other document.

The Parties acknowledge that hyperlinks may be broken or otherwise unavailable, and the producing Party may object to obtaining them. The Parties acknowledge that the current version of the hyperlinked document may differ from the version of the document at the time the hyperlink was sent. A producing Party makes no representation that the recipient(s) of a hyperlink ever actually opened or viewed the hyperlinked document or that the contents of the hyperlinked document actually viewed are consistent with the version produced.

- K. **Compressed Files:** Compression file types (i.e., .CAB, .GZ, .TAR, .z, and .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 folders and/or files.
- L. **Password-Protected, Encrypted, or Proprietary-Software Files:** With respect to any ESI items that are password-protected or encrypted, the producing Party will take reasonable steps to disable the protection so that the documents can be reviewed and produced if appropriate. In the event that encrypted or password-protected documents, which are reasonably likely to be responsive to a document request, remain for a particular custodian after such reasonable efforts have been made, the Parties shall meet and confer regarding the next steps, if any, with respect to such ESI. ESI that cannot be reviewed because proprietary software is necessary to view the ESI will, to the extent identified, be disclosed to a requesting Party, and the Parties shall meet and confer regarding the next steps, if any, with respect to such ESI. The Parties are not required to provide information on passwords obtained or the manner with which password-protected or encrypted files were made accessible. Where the producing Party no longer

- possesses the software required to read or decipher files otherwise subject to production, it is under no obligation to obtain such software and provide it to the requesting Party, provided, however, that, if the requesting Party attempts to obtain such software, the producing Party shall cooperate with the requesting Party to the extent reasonably necessary to identify the software, its licensor, and any technical information or permissions needed for the requesting Party to read or decipher the files.
- M. **Corrupted or Technical Issue Documents:** If a document being produced (i.e., it is otherwise in a responsive family) cannot be processed (e.g., it is corrupt or protected by an unavailable password), a single-page, Bates-stamped image slip sheet stating “File Could Not Be Processed” or similar wording will be provided and a metadata field for “Technical Issue” shall be populated.

V. **PARAMETERS FOR COLLECTING DOCUMENTS**

- A. **Document Custodians and Custodial Data Sources:** Within 30 days of the producing Party’s service of its objections and responses in which it agrees to produce documents, the producing Party must disclose in writing an initial list of its own proposed document custodians (“Document Custodians”) and custodial sources (e.g., personal computers, laptop computers, email, calendars, mobile devices, shared network storage or folders, structured data systems, etc.). If a requesting Party contends that additional Custodians or custodial sources should be added, then the Parties shall meet and confer in good faith and, if the parties are unable to reach agreement, the requesting Party may seek relief from the Court.
- B. **Non-Custodial Sources:** The Parties agree to meet and confer, within 30 days of the producing Party’s service of its objections and responses in which it agrees to produce

documents, regarding any “Non-Custodial” document sources that the producing Party believes, based on its investigation to date, may reasonably be likely to contain unique responsive information. For the avoidance of doubt, “Non-Custodial” document sources include departmental files, shared drives, multi-user messaging platforms (or “chat” platforms), such as Slack or Microsoft Teams; cloud storage accounts; online repositories, social media accounts of the Party, intranets, and databases. The Parties shall meet and confer regarding how the producing Party’s objections and proposed limitations to the scope of discovery would change the Non-Custodial document sources from which the producing Party will collect and produce Documents. If a requesting Party contends that additional Non-Custodial document source(s) should be added, then the Parties shall meet and confer in good faith and, in the event the parties are unable to reach agreement, the requesting Party may seek relief from the Court.

- C. **Culling Technologies:** As a general matter, the means of and parameters for culling ESI in this section apply to Non-Custodial ESI as well as to Custodial ESI. If a producing Party seeks to use other culling technologies for Non-Custodial ESI, it must inform the requesting Party or Parties before implementing such technology, after which the Parties shall promptly meet and confer in a good faith effort to resolve any disputes on such issue. The Parties may seek resolution of any such dispute by the Court only if they have been unable to reach resolution through the meet-and-confer process.
- D. **Mobile Device ESI:** For Document Custodians agreed on by the Parties or ordered by the Court, a producing Party will take reasonable steps to identify whether any responsive and non-duplicative ESI items in the possession, custody, or control of the Party are located on any mobile devices, including cellphones and tablets, used by any

of those Custodians. If non-duplicative responsive ESI items are located on such a mobile device by any of those Custodians, then the producing Party shall collect those ESI items in a manner that preserves the content and metadata associated with those items. To the extent reasonably possible, materials collected pursuant to this subparagraph shall be produced as image files with related searchable text, metadata and bibliographic information. If necessary to determine the identities of email, text message, app-based message, or IM senders or recipients, the producing Party will provide a table of names or contact lists from custodians. Nothing in this subparagraph shall be construed as a determination on the appropriateness of mobile device discovery or any objections to mobile device discovery.

E. **Search Methods:**

1. **Search Methodology Disclosure:** The Parties agree to meet and confer within 30 days of the producing Party's service of its objections and responses in which it agrees to produce documents, regarding (i) potential use and identification of search terms, tools, or techniques, (ii) use of technology assisted review or artificial intelligence ("TAR/AI") in whole or part to cull any corpus of materials, and (iii) all parameters for scoping the review and production efforts (e.g., application of date ranges, custodians, non-custodial sources, etc.).
2. **Technology Assisted Review Negotiation Process:** The Parties will meet and confer regarding the use of TAR/AI to cull any corpus of materials, alone or in combination with some other methodology. By no later than 50 days after service of responses and objections to the initial sets of requests for production, the Parties will: (a) submit an agreed-upon TAR/AI Protocol to the Court or

(b) simultaneously submit one letter brief of no more than 10 pages total for Plaintiffs and one letter brief of no more than 10 pages total for Defendants concerning any disputes as to the TAR/AI Protocol.

3. **Search Term Negotiation Process:**

- a. Before a producing Party uses search terms, the producing Party shall describe in writing to the requesting Party or Parties the search protocol the producing Party intends to use and shall include: (a) the search methodology criteria to be used to identify the universe of documents to which search terms will be applied (e.g., custodians, non-custodial sources, and date ranges), (b) proposed search terms to be applied, subject to revision based on, for example, meet and confer of the Parties, and (c) any use of TAR/AI.
- b. At the time the producing Party discloses its proposed search terms, it shall also disclose in writing the document review software and version number that is being used to run those search terms (e.g., Relativity 10.4), the stop/noise words for that search software, and the search language syntax used by that software.
- c. At the time that the producing Party discloses its search terms, the producing Party shall explain in writing how it will identify and review materials that do not have a sufficient amount of searchable text or are otherwise not suited to identification using text-based searches, including, for example, video files, audio files, and structured data.
- d. Within 30 days of receiving the producing Party's proposed search terms, the requesting Parties will provide any proposed revisions and additions to the producing Party's search terms. For purposes of this paragraph, Defendants shall cooperate to provide a single set of proposed revisions and additions to Plaintiffs, with the understanding that there may be a set of global search terms and sets of individualized search terms.
- e. Within 30 days of receipt of the receiving Parties' proposed revisions and additions to the producing Party's search terms, the producing Party shall provide: (a) any objections to the receiving Parties' proposed revisions including information sufficient to support its objections to the proposed revisions and additions, and (b) a hit report for each objected to revision or addition to the search terms showing the number of hits, hits with families, unique hits for that search relative to the total number of hits, and unique hits for all search terms under discussion between the producing Party and the liaison for the receiving Parties.

- f. After exchanging proposed search terms, proposed revisions/additions, and any objections to proposed revisions/objections, the Parties shall promptly meet and confer in good faith to try to resolve any disputes as to the search terms to be applied to the producing Party's materials. Any unresolved differences shall promptly be brought to the Court's attention.
 - g. The Parties agree that the requesting Parties may propose additional search terms to be used by a producing Party at any time before the close of fact discovery. For purposes of this paragraph, Defendants shall cooperate to provide a single set of proposed revisions and additions to Plaintiffs. Any unresolved differences concerning later proposed search terms shall promptly be brought to the Court's attention.
- 4. **Otherwise Known Responsive Information:** A producing Party's use of a search methodology does not relieve it of the duty to produce information that it already knows about or becomes aware of that is responsive to the agreed-upon or Court-ordered scope of a request for production, even if that information was not captured in the producing Party's document collection, review, or production.
- 5. **Reservation of Rights:** By agreeing to the use of a particular search methodology, the requesting Party does not waive objections that the search methodology was not implemented in a proper, effective, or good faith manner.

VI. CLAIMS OF PRIVILEGE AND REDACTIONS

- A. **Production of Privilege Logs:** If a Party fully withholds a document otherwise discoverable by claiming that it is privileged, that Party shall produce a privilege log. The privilege log must be detailed enough to enable other Parties to assess the applicability of the privilege asserted and should include for each withheld document, to the extent available (1) the sender or author, recipient, and each individual copied or blind copied on the document, including names and email addresses, (2) the date the

document was created and last modified, (3) the file name or email subject, as applicable, (4) the document extension (e.g., .msg, .pptx, etc.), (5) the Bates number or Control Number of the document, (6) the specific privilege or protection is being asserted for the particular document (e.g., attorney-client privilege, work product, common interest, or combination thereof), and (7) the reason that the privilege or protection is being asserted for the particular document. Privilege logs should denote which individuals are attorneys (through a marking such as an asterisk or on a separate list), as well as the Party each such attorney represents. If an entire email family is privileged, attachments to emails shall be logged as separate documents on the log, with family relationships identified. Non-privileged attachments shall be produced. If only certain documents within a family are privileged, then the privileged document shall be produced as a slipsheet with Bates marking and logged. Documents containing redactions must be logged if the basis for privilege or protection is not readily determinable by referring to the authorship and/or the contents included within the document. For email threads, the information shall be extracted only from the available metadata fields for items (1) through (4) above from the most-inclusive version of the thread. Lesser-included emails need not be logged. The privilege log shall be produced in XLS or XLSX format. **Privilege logs shall be produced on a rolling basis, no later than thirty (30) days after the production of documents containing material for which one or more privileges or protections are asserted. So that the Parties can, for example, keep track of changes and the cumulative nature of the set of logged documents, each subsequent privilege log shall contain previously-logged**

material, but where newer material shall be identified, at least in part, based on the date that the newly-included material was added to the privilege log.

B. **Logging of Threads.** Parties shall log email threads using the available file metadata only for elements (1) through (4) listed in Section VI.A above from the most-inclusive version of a thread. Email threads redacted for privilege shall be governed by Section VI.D below.

1. For the avoidance of doubt, if any lesser-included email in a thread (or any attachment thereto) is not privileged and is relevant, only the portion of the email thread that is subject to one or more privileges or protections shall be redacted and the remainder produced.
2. In the event of a dispute over a Party's assertion of privilege over unlogged emails, the parties shall promptly meet and confer in good faith before submitting any dispute to the Court.

C. **Exclusions from Logging Potentially Privileged Documents:** The following categories of Documents need not be reflected in a Producing Party's privilege log, unless good cause exists to require that a Party do so or the Parties otherwise agree:

1. Any communications exclusively between a producing Party and its outside counsel, a producing Party and its in-house counsel concerning past and active litigation matters, an agent of outside counsel other than the Party, any non-testifying experts in connection with this Litigation, or with respect to information protected by Fed. R. Civ. P. 26(b)(4), testifying experts in connection with this Litigation.

2. Communications after the filing of the initial complaint in this Litigation, exclusively between a producing Party and its corporate in-house and/or outside counsel (including their agents) regarding this Litigation.
 3. Work product created by counsel, an agent of counsel, or a Party at the direction of counsel, for this Litigation after the filing of the initial complaint in this Litigation.
- D. **Documents Redacted for Privilege:** The producing Party will undertake reasonable efforts to make limited, line-by-line redactions of privileged or work product information. Redacted documents need not be logged in the first instance, so long as (a) for emails, the names of the sender and all recipients of the email are not redacted, (b) for non-email documents, the redaction is noted on the face of the document and in a redaction metadata field, (c) the producing Party includes a metadata field (PrivRedacted) indicating that the document was redacted on the basis of privilege, so that the receiving Party can readily identify the universe of documents containing privilege redactions, if the basis for the privilege is apparent from the unredacted portion of the document. For the avoidance of doubt, no Party shall be permitted to make wholesale redaction to documents, such as email bodies, to avoid the requirements imposed by this Order that privileged materials be adequately logged.
- E. **Personally Identifiable Information (“PII”) Redactions:** A producing Party may redact personally identifiable information (e.g., patient names or Social Security Numbers related to medical bills, procedures, or claims) if it is (a) irrelevant and (b) the producing Party notifies and meets and confers with the requesting Party before applying such redactions. If a producing Party wishes to redact highly sensitive,

irrelevant information, it shall notify the requesting Party. The producing and requesting Parties shall promptly meet and confer in a good faith effort to resolve any dispute and shall submit the matter to the Court for resolution only if they are not able to reach resolution through the meet-and-confer process.

- F. **Redaction and Withholding for Relevance:** A producing Party may not redact information from an otherwise responsive document on the grounds that it is irrelevant, nor may a producing Party withhold any otherwise responsive document or any member of a document family solely based on relevance concerns. Notwithstanding the foregoing, the Parties agree to meet and confer on a case-by-case basis before any producing Party redacts sensitive information on relevance grounds.

VII. NON-PARTY DOCUMENT REQUESTS

- A. **Non-Party Document Subpoenas:** All Non-Party document subpoenas shall be served on all counsel of record in compliance with Fed. R. Civ. P. 45. Service via email on a designated service list shall constitute compliance with Rule 45.
- B. **Non-Party Document Productions:** The recipient of a Non-Party document production shall serve a copy of that document production on all counsel of record within seven (7) days of receiving the document production. Service of documents or a file transfer link via email on a designated service list shall constitute compliance with this paragraph.
- C. **Informing Non-Parties of This Order:** The Parties agree to provide a copy of this Order with any document subpoena served in this Litigation.

VIII. MISCELLANEOUS PROVISIONS

- A. **Service of Discovery Requests and Disclosures:** All discovery requests and discovery-related disclosures may be served via email on a Party's ESI Liaison.
- B. **Inaccessible ESI:** If a producing Party asserts that certain categories of ESI that are reasonably likely to contain responsive information are inaccessible or otherwise unnecessary under the circumstances, or if the requesting Party asserts that, following production, certain ESI is not reasonably usable, the Parties shall promptly meet and confer in good faith to try to resolve such issues. The Parties shall submit the matter to the Court for resolution only if they are not able to reach resolution through the meet-and-confer process.
- C. **Deleted, Destroyed, or Overwritten Materials:** If a producing Party has reason to believe that ESI, paper documents, or other materials that are reasonably likely to contain information responsive to the agreed-upon or court-ordered scope of a receiving Party's requests for production have been destroyed, deleted, or overwritten either intentionally or unintentionally, the producing Party shall disclose all pertinent facts concerning the deleted, destroyed, or overwritten ESI or hard-copy documents, including the type of data at issue, the information it may have contained, the identification of the person responsible for deleting, destroying, or overwriting it, and when that information was deleted, destroyed, or overwritten.
- D. **Limitations.** Nothing in this ESI Protocol Order establishes any agreement as to either the temporal or subject matter scope of discovery or as to the relevance or admissibility of any Document or ESI. Nothing in this ESI Protocol Order shall be interpreted to require information protected by the attorney-client privilege, work-product doctrine,

or any other reasonably applicable privilege or immunity. The Parties do not waive any objections as to the production, discoverability, admissibility, or confidentiality of Documents and ESI.

- E. **Variations or Modifications:** Variations from this ESI Protocol Order may be required. Any practice or procedure set forth herein may be varied by agreement of all affected Plaintiffs and all affected Defendants, which will be confirmed in writing. In the event a producing Party determines that a variation or modification is appropriate or necessary to facilitate the timely and economical production of documents or ESI, including with respect to any applicable deadlines, the producing Party will notify the requesting Party of the variation or modification. Upon request by the requesting Party, those Parties will promptly meet and confer in good faith to address any issues in a reasonable and timely manner before seeking Court intervention.
- F. **Best Efforts Compliance and Disputes.** The parties agree to use their best efforts to comply with and resolve any differences concerning compliance with any provisions of this ESI Protocol Order. If a producing Party cannot comply in a particular circumstance with this ESI Protocol Order, such party shall promptly inform the requesting Party in writing why compliance with the ESI Protocol Order is not reasonable or feasible. No party may seek relief from the Court concerning compliance or non-compliance with the ESI Protocol Order until it has met and conferred with the other party in a good faith effort to resolve or narrow the area of disagreement.

SO ORDERED.

Dated: May __, 2026

APPENDIX 1: ESI Metadata and Coding Fields

Field Name¹	Populated For (Email, Edoc, Calendar, Contact, Cellphone, or All)	Field Description
BegBates	All	Control Numbers (beginning Bates number as stamped on the production image).
EndBates	All	Control Numbers (ending Bates number as stamped on the production image).
BegAttach	All	Control Numbers (first production Bates number of the first document of the family).
EndAttach	All	Control Numbers (last production Bates number of the last document of the family).
Custodian	All	Custodian name (e.g., John Doe).
CustodianOther or CustodianAll	All	All custodians who were in possession of a de-duplicated document besides the individual identified in the “Custodian” field.
LogicalPath	All ESI Items	The directory structure of the original file(s). Any Container name is included in the path.
Hash Value	All	The MD5 or SHA-1 hash value.
NativeFile	Documents produced in Native Format	Native File Link.
Email Thread ID	Email	Unique identification number that permits threading of email conversations. For instance, unique MS Outlook identification number (“PR_CCONVERSATION-INDEX”) is 22 bytes in length, followed by zero or more child blocks each 5 bytes in length, which facilitates use of email threading.
Thread Index	Email	Message header identifier, distinct from “PR_Conversation_Index,” that permits threading of email chains in review software.
EmailSubject	Email	Subject line of email.
DateSent	Email	Date email was sent.
DateMod	Email, Edoc	Date the document was modified.
TimeSent	Email	Time email was sent.
TimeZoneUsed	All	Time zone used to process data during document collection and processing.
ReceiveTime	Email	Time email was received.

¹ Field Names can vary from system to system and even between different versions of systems. Thus, the Parties are to be guided by these Field Names and Descriptions when identifying the metadata fields to be produced for a given document pursuant to this ESI Protocol Order.

Field Name¹	Populated For (Email, Edoc, Calendar, Contact, Cellphone, or All)	Field Description
To	Email	All recipients that were included on the “To” line of the email.
From	Email	The name and email address of the sender of the email.
CC	Email	All recipients that were included on the “CC” line of the email.
BCC	Email	All recipients that were included on the “BCC” line of the email.
DateCreated	Edoc	Date the document was created.
TimeCreated	Edoc	Time the document was created.
FileName	Email, Edoc	File name of the edoc or email.
DocType	Email, Edoc	Single choice field that indicates the file is an email, edoc, attachment or hard copy.
Title	Edoc	Any value populated in the Title field of the document properties.
Subject	Edoc	Any value populated in the Subject field of the document properties.
Author	Edoc	Any value populated in the Author field of the document properties.
DocExt	All	File extension of the document.
TextPath	All	Relative path to the document level text file.
Redacted	All	“X,” “Y,” “Yes,” and “True” are all acceptable indicators that the document is redacted. Otherwise, leave blank.
PrivRedacted	All	“Yes” indicator that the document is redacted on the basis of privilege. Otherwise, leave blank.
Withheld Placeholder	All	To the extent a document is fully withheld (on the basis of privilege or otherwise), this field must be populated with a “Y”.
Paper	All	“Y” if document is scanned from hard copy in connection with the collection and production of documents in this matter.
Confidentiality	All	Indicates if document has been designated as confidential material pursuant to the Stipulated HIPAA-Qualified Protective Order entered into by the Parties.

EXHIBIT B

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: ZELIS REPRICING ANTITRUST LITIGATION This Document Relates To: <i>All Actions</i>	Lead Action Case No: 1:25-cv-10734-BEM <i>Consolidated with Case Nos.:</i> <i>1:25-CV-11092-BEM</i> <i>1:25-CV-11167-BEM</i> <i>1:25-CV-11537-BEM</i>
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DEFENDANTS' [PROPOSED] STIPULATED ORDER REGARDING PRODUCTION OF ELECTRONICALLY STORED INFORMATION AND PAPER DOCUMENTS

This Order Regarding Production of Electronically Stored Information and Paper Documents (“ESI Protocol Order”) shall govern the Parties and Non-Parties in this litigation whether they currently are involved or become so in the future, and any related actions that may later be consolidated with this litigation (collectively, the “Litigation”).

Nothing in this ESI Protocol Order shall be construed to affect the admissibility of discoverable information. Under this ESI Protocol Order, information regarding search processes and electronically stored information (“ESI”) practices may be disclosed, but compliance with this ESI Protocol Order does not constitute a waiver, by any Party, of any objection to the production of particular ESI as irrelevant, undiscoverable, inadmissible, unduly burdensome or not reasonably accessible, or privileged, nor does it constitute a waiver of any right to discovery by any Party. For the avoidance of doubt, a Party’s compliance with this ESI Protocol Order will not be interpreted to require disclosure of information potentially protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege. This ESI Protocol Order should be read together with and interpreted in light of the forthcoming Stipulated HIPAA-Qualified Protective Order, the Stipulated Preservation Order, and any other orders to be entered by the Court.

I. GENERAL PROVISIONS

- A. **Applicability:** This ESI Protocol Order will govern the review and production of ESI and paper documents.
- B. **Federal Rules:** Except as may be set forth herein, this ESI Protocol Order does not alter or affect the applicability of the Federal Rules of Civil Procedure or the Local Rules for the District of Massachusetts (the “Local Rules” or, when referencing a particular rule, a “Local Rule”).
- C. **Deadlines:** References to schedules and deadlines in this ESI Protocol Order shall comply with Federal Rule of Civil Procedure 6 with respect to computing deadlines.
- D. **ESI Liaisons:**
 - 1. **Designation:** Plaintiffs and each Defendant agrees to designate ESI Liaisons within 7 days after entry of this ESI Protocol Order. Any Party is free to change its designated ESI Liaison by providing written notice to the other Parties.
 - 2. **Duties of ESI Liaison:** Each ESI Liaison will be prepared to promptly participate in meet-and-confer processes in a good faith effort to resolve any e-discovery disputes or ESI issues that may arise (or designate another person as primarily responsible) and have access to personnel knowledgeable about the Party’s electronic systems and capabilities in order to, as appropriate, answer pertinent questions. The Parties will rely on the liaisons, as needed, to confer about ESI and to try to resolve technical disputes without Court intervention.
- E. **Definitions:**
 - 1. Plaintiffs and Defendants are referred to as the “Parties” solely for the purposes of this ESI Protocol Order.

2. “Plaintiffs” as used herein shall mean the individual plaintiffs named in the Amended and Consolidated Class Action Complaint (Dkt. 39), and such Plaintiffs’ counsel.
 3. “Defendants” as used herein shall mean the Defendants named in the Amended and Consolidated Class Action Complaint (Dkt. 39), and such Defendants’ counsel.
 4. “Non-Parties” as used herein shall mean other individuals or entities who may produce ESI and paper documents in this Litigation, who will be subject to the terms of this ESI Protocol Order to the same extent as the Parties.
- F. **Confidential Information:** For the avoidance of doubt, nothing herein shall contradict the Parties’ rights and obligations with respect to any information designated as confidential material under any order entered by the Court in the Litigation or the Stipulated HIPAA-Qualified Protective Order entered into by the Parties.

II. GENERAL PRODUCTION FORMAT PROTOCOLS

- A. The Parties agree to produce documents in the formats described below. A producing or requesting party may seek to use a different format for a targeted set of documents if the agreed format is not reasonably technically feasible to review or produce, in which case the Parties shall promptly meet and confer with respect to such request and shall submit the issue for resolution by the Court only if they are unable to resolve the dispute through the meet-and-confer process. To the extent practicable, any alternative formats proposed should not materially degrade the searchability and useability of ESI or other materials.

B. **TIFFs:** Except for structured data and specified file types addressed in “Production of Native Items” below, all production images will be provided as black-and-white (except as provided below), single-page Group IV TIFFs of at least 300 DPI resolution with corresponding multi-page text and necessary load files. Each image will have a file name that is the unique Bates number of that image, pursuant to Section G below. Each image shall be branded according to the Bates number and any confidentiality designation. Original document orientation should be maintained to the extent reasonably practicable and technologically possible for a producing Party’s vendor (i.e., portrait to portrait and landscape to landscape). Hidden content, tracked changes, edits, comments, notes, and other similar information viewable within the native file shall, (1) to the extent reasonably practicable, also be imaged so that this information is captured on the produced image file, and (2) if such imaging is not reasonably practicable, be produced in native format. Documents that are difficult to render in TIFF may be produced in their native format with a placeholder TIFF image stating the Bates number of the file and the wording “Document Produced Natively” (along with any appropriate confidentiality designation), unless such documents contain redactions, in which case the documents will be produced in TIFF format. Documents that are difficult to render in TIFF and which require redaction may be produced with redactions applied in the native file, so long as the redactions are applied using an industry-recognized native redaction tool, such as “Blackout” or “BlackBar.” A producing Party retains the option to produce ESI in alternative formats if so agreed by the requesting Party or Parties, which may include native format or a combination of native and TIFF formats.

- C. **Text Files:** Each ESI item produced under this ESI Protocol Order shall be accompanied by a text file as set out below. All text files shall be provided as a single document level text file for each item, not one text file per page. Each text file shall be named with the Bates number of the first page of the corresponding production item. Text files shall contain any hidden content, tracked changes, edits, comments, notes, and other similar information of the ESI item to the extent technically feasible.
1. **OCR:** A producing Party may make paper documents available for inspection and copying/scanning under Fed. R. Civ. P. 34 or, additionally or alternatively, scan and OCR paper documents if it chooses. Where OCR is used, the Parties will take all reasonable steps to generate accurate OCR. The Parties acknowledge that, due to poor quality of the originals, not all documents lend themselves to the generation of accurate OCR. In such instances, or if a producing Party does not choose to use OCR at all, the producing Party will either (a) make the paper documents available for inspection and copying under Fed. R. Civ. P. 34, or (b) identify in the load file that the file is not OCR.
 2. **ESI:** Emails and other ESI will be accompanied by extracted text taken from the electronic file itself, where available.
- D. **Production of Native Items:** The Parties agree that ESI shall generally be produced as TIFFs with an accompanying load file containing the ESI data points listed in Appendix 1 hereto. The exceptions to this rule shall be: (a) documents for which the metadata or other information readily identifiable for the producing party indicates the document contains hidden content, embedded comments, or tracked changes (e.g., a Microsoft Word document with “bubble” comments and/or different color tracked changes),

(b) spreadsheet-application files (e.g., Microsoft Excel), (c) presentations (e.g., Microsoft PowerPoint), (d) source code, (e) multimedia audio/visual files, such as voice and video recordings (e.g., .wav, .mpeg, and .avi), and (f) any other user-generated native file types that cannot be rendered as readable image files. For the avoidance of doubt, user-generated files do not include routine system-generated files, application-generated files, or technical embedded files that are automatically extracted during document processing (e.g., .xml,.dat, .bin, font files, other structural files). These categories of ESI shall be produced in native format to the extent reasonably practicable. Each produced native file shall be named with the assigned Bates number and any appropriate confidentiality designation.

1. In addition to producing the above file types in native format, the producing Party shall produce a single-page, Bates-numbered TIFF slip sheet indicating that a native item was produced with the wording “Document Produced Natively,” along with extracted text where available and with the applicable data points listed in Appendix 1. The corresponding load file shall include NativeFileLink information for each native file that is produced.
2. The Parties agree to meet and confer before producing native file types other than those described in (a)-(e) above, in which case the producing Party shall disclose the file type to, and meet and confer with, the requesting Party on a reasonably useable production format.
3. The Parties agree to meet and confer to the extent there is potentially relevant structured data that resides in a fixed field within a record or file, or stored in a structured format, such as databases/data application files (such as Oracle, SQL,

Access, SAP) or data sets, to determine the best reasonable form of production of usable data.

4. Through the pendency of the Litigation, the producing Party shall exercise reasonable, good-faith efforts to maintain all preserved and produced native files in a manner that does not materially alter or modify the file or the metadata.
- E. **Requests for Other Native Files:** Other than as specifically set forth above or in this paragraph, a producing Party need not produce documents in native format. If a Party would like a particular document produced in native format and this ESI Protocol Order does not require the production of that document in its native format, the Party making such a request shall explain by identifying by Bates number(s) the specific document(s) at issue and explaining the reason for its request that the document(s) be produced in its native format, as to which request the Parties shall meet and confer in good faith and shall submit to the Court for resolution only if the Parties have been unable to resolve any dispute through the meet-and-confer process, with the Party seeking production in native format bearing the burden to demonstrate why it needs the native format. Any native files that are produced pursuant to this paragraph should be produced with a link in the NativeFile field, along with all extracted text and applicable metadata fields set forth in Appendix 1.
- F. **Instant Messages/SMS/Text Messages and Mobile Data:** To the extent the Parties reach agreement concerning the relevance, proportionality, collection, and production of instant messages/SMS/text messages and/or data contained on mobile devices such as smartphones and tablet computers, or such materials are compelled to be produced

in this Litigation, the Parties shall meet and confer before such production to determine the best production format for such ESI.

G. Bates Numbering:

1. All produced images must be assigned a Bates number that must always: (1) be unique across the entire document production, (2) maintain a constant prefix and length (e.g., ten-digits and 0-padded) across the entire production, (3) contain no special characters or embedded spaces, except hyphens or underscores, (4) be sequential within a given document, and (5) identify the producing Party. To the extent reasonably practicable, the Bates number must also maintain consistent numbering across a family of documents.
2. If a Bates number or set of Bates numbers is skipped in a production, the producing Party will so note in a cover letter or production log accompanying the production.
3. To the greatest extent practicable, the producing Party will brand all TIFF images at a location that does not obliterate or obscure any part of the underlying images. If Bates number branding obliterates or obscures any part of an underlying image, upon request of the requesting Party, the producing Party shall re-produce the affected ESI items with the branding in a different location that does not obliterate or obscure the underlying images.

H. Parent-Child Relationships: Parent-child relationships (the association between an attachment and its parent document) that have been maintained in the ordinary course of business should be preserved to the extent reasonably practicable. For example, if a Party is producing a hard-copy printout of an e-mail with its attachments, the

attachments should be processed in order behind the e-mail to the extent reasonably practicable. The family of documents should also be identified using a family ID number or other unique identifying number, such as the beginning Bates number of the parent document.

- I. **Load Files:** All production items will be provided with a delimited data file or “load file,” which will include both an image cross-reference load file (e.g., an Opticon file), as well as a metadata (.dat) file with the metadata fields identified in Appendix 1 on the document level to the extent available. The load file must reference each TIFF in the corresponding 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 Image Load files in the production. Load files shall not vary in format or structure within a production, or from one production to another.
- J. **Color:** Any document produced as a native file shall be produced as it was regularly utilized and, to the extent applicable, in color. Other documents or ESI containing color generally need not be produced in color in the first instance. However, if the original color is necessary to understand the meaning or content of the document, the producing Party shall produce the documents in its original color. If the producing Party does not promptly agree to produce any other requested document or item in color, the Parties shall promptly meet and confer in good faith before submitting any dispute to the Court. The production of any documents and/or ESI in color shall be made in single-page JPEG format (300 DPI). All requirements for productions stated in this ESI Protocol Order regarding productions in TIFF or native format apply to any productions of documents and/or ESI in color made in such an alternative format.

- K. **Confidentiality Designations:** If a particular document or ESI item qualifies for confidential treatment under the terms of any protective order entered by the Court in the Litigation or the Stipulated HIPAA-Qualified Protective Order entered into by the Parties, the designation shall be branded on the document's image at a location that, where applicable, does not obliterate or obscure any part of the underlying images. The confidentiality designation shall also be included in the file name of any produced native file, as described in Section II(D). This confidentiality designation also should be included in the appropriate data field in the load file. Failure to comply with the procedures set forth in this ESI Protocol Order shall not waive any protection or confidential treatment. If confidentiality designation branding obliterates or obscures any part of an underlying image, on request of the receiving Party, the producing Party shall re-produce the affected ESI items with the branding in a different location that does not obliterate or obscure the underlying images.
- L. **Production Media & Protocol:** A producing Party may produce document images, load files and metadata on USB drives, external hard drives, or other mutually agreeable media ("Production Media"). Production sets may also be transferred via secure FTP or encrypted web-hosted transfer. Any requesting Party that is reasonably unable to resolve any technical issues with the electronic production method used for a particular production may request that a producing Party provide a copy of that production using Production Media, as described below.
1. All Production Media will be encrypted, and the producing Party will provide a decryption key to the requesting Party in a communication separate from the production itself. Each piece of Production Media will be assigned a production

number or other unique identifying label corresponding to the date of the production of documents on the Production Media, as well as the sequence of the material in that production. For example, if the production comprises document images on three external hard drives, the producing Party may label each hard drive in the following manner: “[PARTY] Production March 1, 2025-001,” “[PARTY] Production March 1, 2025-002,” and “[PARTY] Production March 1, 2025-003.” Where the Production Media used is an external hard drive (with standard PC compatible interface) or USB drive, such production media must be sent no slower than overnight delivery via FedEx, UPS, USPS, or private courier.

2. Each item of Production Media (or, in the case of productions made via FTP link or other secure online transfer, each production transmittal letter) shall include (1) the producing Party’s name; (2) text referencing that it was produced in this Litigation, (3) the production date, and (4) the Bates number range of the materials contained on such Production Media item.
3. Any replacement Production Media will cross-reference the original Production Media and clearly identify that it is a replacement and cross-reference the Bates number range that is being replaced. Each Party shall designate the appropriate physical address for productions that are produced on Production Media. However produced, a producing Party shall provide clear instructions for accessing the production, including any necessary passwords or encryption keys.

- M. **Materials Collected for or Produced in Other Litigation or Investigations:** If a producing Party intends to satisfy a request for production by producing materials collected or produced in a case consolidated into this Litigation or in a different litigation or investigation, at the time the producing Party discloses its search methodology, it shall disclose in writing (a) the fact that the producing Party intends to use such materials to satisfy certain request(s) for production, (b) the case caption or information necessary to identify the entity conducting the investigation, and (c) information sufficient to show how materials were collected and culled for actual or potential production in the other matter (e.g., requests for production, custodial and non-custodial sources searched, search terms or methods used, and time periods applied to collection or culling), as well as any logs or discovery responses describing materials withheld or redacted on any basis, including privilege. A requesting Party retains the right to challenge the sufficiency of any production not subject to the ESI, search, and privilege methodology agreed to under this ESI Protocol Order. If a requesting Party raises such a challenge, the requesting and producing Parties shall promptly meet and confer in a good faith effort to resolve any dispute and shall submit the matter to the Court for resolution only if they are not able to reach resolution through the meet-and-confer process.

III. **PAPER DOCUMENT PRODUCTION PROTOCOL**

- A. **Coding Fields:** The following information shall be produced in the load file accompanying production of paper documents: (a) BegBates, (b) EndBates, (c) BegAttach, (d) EndAttach, (e) Custodian, (f) Confidentiality, (g) Redacted, and (h)

Text Path. Additionally, all paper documents will be produced with a coding field named “Paper” marked with a “Y.”

- B. **Unitization of Paper Documents:** The Parties shall use reasonable best efforts to ensure that paper documents, including those in files and binders, are logically unitized for production. When scanning paper documents for production, distinct documents shall not be merged into a single record and single documents shall not be split into multiple records to the greatest extent possible. The Parties will use best efforts to ensure that paper documents are produced in consecutive Bates stamp order.

IV. **ESI METADATA FORMAT AND PROCESSING ISSUES**

- A. **Excluded Files:** ESI productions may be de-NISTed using the industry standard list of files maintained in the National Software Reference Library by the National Institute of Standards & Technology as it exists at the time of de-NISTing. Other file types and forms of data that may be excluded are described in IV.G, and additional file types may be added to the list of excluded files by further written agreement of the Parties.
- B. **Metadata Fields and Processing:**
1. **Date and Time/Time Zone:** No Party shall modify the date or time as contained in any original ESI, except, to the extent reasonably practicable, ESI items shall be processed using a consistent time zone (e.g., CST), and the time zone used shall be disclosed to the requesting Party.
 2. **Auto Date/Time Stamps or Other Automatically Updating Fields:** To the extent reasonably practicable, ESI items shall be processed so to preserve the date/time shown in the document as it was last saved, rather than the date of collection or processing.

3. If a producing Party believes the above provision(s) are not reasonably practicable for some portion of its production, it shall inform the requesting Party or Parties and promptly meet and confer in a good faith effort to resolve any dispute. The Parties may submit any such dispute to the Court for resolution only if they have been unable to reach resolution through the meet-and-confer process.
4. Except as otherwise set forth in this ESI Protocol Order, ESI files shall be produced with at least each of the data fields set forth in Appendix 1 that can reasonably be extracted from a document.
5. The Parties are not obligated to manually populate any of the fields in Appendix 1 if such fields cannot reasonably be extracted from the document using an automated process, with the exception of the following fields: (a) BegBates, (b) EndBates, (c) BegAttach, (d) EndAttach, (e) all Custodians of the document, (f) Confidentiality, (g) Redacted (Y/N), and (h) NativeFile fields, which should be populated, when applicable, regardless of whether the fields can be populated by an automated process.

C. Redaction:

1. The Parties agree that, for any ESI items for which this ESI Protocol Order otherwise permits production in TIFF format, redactions may be made in TIFF format, with each redaction clearly indicated. Any metadata fields reasonably available and that can be disclosed without disclosing privileged information shall be provided. The producing Party may, alternatively, produce the item as a redacted native file in accordance with the following paragraph.

2. If the items redacted and partially withheld from production would otherwise be required to be produced as native files under this ESI Protocol Order, then they should be produced as native files with redactions to the extent possible using an industry-recognized native redaction tool, such as “Blackout” or “BlackBar.”
3. If an item otherwise required to be produced as a native file under this ESI Protocol Order must be withheld in part, then, to the extent reasonably practicable, the entire ESI item must be produced in TIFF format, including all unprivileged pages, hidden fields, and other information that may not print when opened as last saved by the custodian or end user. For PowerPoint-type presentation decks, this shall include, but is not limited to, any speaker notes. For Excel-type spreadsheets, this shall include for any particular Excel file, but is not limited to, all worksheets, hidden rows and columns, all cell values, annotations, and notes. The producing Party shall also make reasonable efforts to ensure that any spreadsheets produced only as TIFF images due to redaction are formatted so as to be legible. For example, column widths should be formatted so that the values, including, but not limited to, all data and any column name or column header in the column will display, rather than show “#####.”
4. If audio/visual or other media files require “redaction,” the parties shall promptly meet and confer concerning the format of production and privilege assertions. If the parties are unable to reach agreement through meet and confer discussions, they may seek resolution from the Court.

D. Email Collection and Processing:

1. **Email Threading:** The Parties may use email threading to avoid review and production of duplicative information contained within an existing email thread in another document being reviewed and produced, but under no circumstances will email thread suppression (a) eliminate the ability of a requesting Party to identify every custodian who had a copy of a produced document or sent or received an email, or (b) remove from a production any unique branches and/or attachments contained within an email thread. Parties may request unthreaded copies of particular documents in advance of depositions, which will not be denied absent good cause.
2. **Email Domains:** A producing Party may exclude from their ESI search process uniquely identifiable categories of documents (i.e., emails from domains typically associated with junk email, such as non-industry retailer advertising, non-industry newsletters, or alerts from non-industry sources) provided that it discloses domain names excluded under this section before conducting review and production and promptly meets and confers in good faith with respect to any proposal to exclude one or more domain names. The Parties may submit any dispute over the exclusion of a domain name to the Court for resolution only if the Parties have been unable to reach resolution through the meet-and-confer process.

- E. **Rolling Productions:** The Parties agree to produce documents in phases on a rolling basis consistent with the Court's orders relating to scheduling.

F. **De-duplication:** A producing Party may de-duplicate files in a method that does not result in the responsive documents with unique content being withheld from production. Removal of near-duplicate documents shall not occur without first conferring in good faith with the requesting party and reaching an agreement as to scope and methodology. Unless otherwise agreed by the Parties, the following requirements apply to all document de-duplication by a producing Party:

1. All BCC recipients whose names would have been included in the BCC metadata field, to the extent such metadata exists, but are excluded because of de-duplication, must be identified in the BCC metadata field specified in Appendix 1 to the extent such metadata exists. In the event of rolling productions of documents or ESI items, the producing Party will, as needed, supplement the load files with updated CustodianOther information, as well as BCC information to the extent such metadata exists. Duplicate custodian information may be provided by a metadata “overlay” and will be provided by a producing Party after the Party has substantially completed its production of ESI.
2. Duplicate electronic documents shall be identified by MD5 or SHA-1 hash values for binary file content. All electronic documents bearing an identical value are a duplicate group. The producing Party may produce only one document or native file for duplicate ESI documents within the duplicate group to the extent practicable. The producing Party is not obligated to extract or produce entirely duplicate ESI documents.

3. Duplicate messaging files shall be identified by MD5 or SHA-1 hash values for the email family, which includes the parent and email attachments.
4. If a producing party intends to use a de-duplication that does not comply with the above provisions, it shall inform the requesting Party or Parties of the fact and nature of the intended alternative method, after which the parties shall promptly meet and confer in a good faith effort to resolve any disputes about such proposal. The Parties may submit any dispute on this issue to the Court for resolution only if they have been unable to reach resolution through the meet-and-confer process.

G. **Zero-byte Files, Duplicative, and Otherwise Extraneous Data:** The Parties may filter out the following files and data:

1. Zero-byte files—stand-alone files identified as zero-bytes in size—that do not contain responsive file links or file names. If the requesting Party in good faith believes that a zero-byte file was withheld from production and contains information responsive to a request for production, the requesting Party may request that the producing Party produce the zero-byte file. The requesting Party may provide a Bates number to the producing Party of any document that suggests a zero-byte file was withheld from production and contains information responsive to a request for production. If a producing Party proposes to apply filters to identify zero-byte files and limit documents and ESI that is collected for processing and review, the producing Party shall advise the requesting Party and the Parties shall meet and confer regarding such filters prior to review and production;

2. Backup data files that are maintained in the normal course of business for purposes of disaster recovery, including (but not limited to) backup tapes, disks, SAN, and other forms of media, provided, however, that nothing in this provision shall preclude a requesting Party from seeking (through meet and confer and application to the Court) to require a producing Party to review and produce materials from such backup data files to the extent the requesting Party contends such review and production is appropriate and proportional to the case given the anticipated contents of the backup data files and the content of other files the producing party is collecting and reviewing;
 3. On-line access data such as temporary internet files, history files, cache files, and cookies;
 4. Operating system files and executable files, except for any source code used as part of a pricing methodology for out-of-network goods and services; and
 5. Structural files not material to individual file contents (e.g., .CSS, .XSL, .XML, .DTD, etc.).
- H. **Microsoft “Auto” Feature:** To the extent reasonably practicable and technologically possible for a producing Party’s vendor, Microsoft Excel (.xls) and Microsoft PowerPoint (.ppt) documents should be analyzed for the “auto” features, where documents have an automatically updated date and time in the document, file names, file paths, or similar information that when processed would be inaccurate for how the document was used in the ordinary course of business. If “auto date,” “auto file name,” “auto file path,” or similar features are identified, the produced document shall be branded with the words “Auto Date,” “Auto File Name,” or “Auto File Path” formula

used or similar words that describe the “auto” feature, to the extent reasonably practicable.

- I. **Hidden Text:** To the extent reasonably practicable, ESI items shall be processed in a manner that preserves hidden columns or rows, hidden text, worksheets, speaker notes, tracked changes, and comments. The Parties shall use reasonable efforts to ensure that, at the time of production, all hidden columns or rows, hidden text, worksheets, speaker notes, tracked changes, and comments are visible on the face of the TIFF image(s), unless redacted in accordance with this ESI Protocol Order.
- J. **Embedded Objects, Spreadsheets and Hyperlinked Files:** Objects embedded in documents (e.g., in Word or Excel documents) shall, when reasonably practical and able to be extracted on a systematic basis utilizing the company’s existing software capabilities, be extracted and produced as separate documents and treated like attachments to the document. The Parties agree that other nonrelevant embedded objects including, but not limited to, logos, icons, and footers, may be culled from a document set and need not be produced as separate documents by a producing Party (i.e., such embedded objects will be produced within the document itself, rather than as separate attachments). Hyperlinked files (other than hyperlinks to external websites not within the possession, custody, or control of the producing party) shall be produced as child documents to the parent containing the hyperlink, when reasonably practicable utilizing the company’s or vendor’s existing software capabilities. The Parties will meet and confer in a good faith effort to identify a reasonable and proportional process of addressing hyperlinked files stored in a collaborative work environment (e.g., MS SharePoint or Google Drive) that are linked to any email or other document.

The Parties acknowledge that hyperlinks may be broken or otherwise unavailable, and the producing Party may object to obtaining them. The Parties acknowledge that the current version of the hyperlinked document may differ from the version of the document at the time the hyperlink was sent. A producing Party makes no representation that the recipient(s) of a hyperlink ever actually opened or viewed the hyperlinked document or that the contents of the hyperlinked document actually viewed are consistent with the version produced.

- K. **Compressed Files:** Compression file types (i.e., .CAB, .GZ, .TAR, .z, and .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 folders and/or files.
- L. **Password-Protected, Encrypted, or Proprietary-Software Files:** With respect to any ESI items that are password-protected or encrypted, the producing Party will take reasonable steps to disable the protection so that the documents can be reviewed and produced if appropriate. In the event that encrypted or password-protected documents, which are reasonably likely to be responsive to a document request, remain for a particular custodian after such reasonable efforts have been made, the Parties shall meet and confer regarding the next steps, if any, with respect to such ESI. ESI that cannot be reviewed because proprietary software is necessary to view the ESI will, to the extent identified, be disclosed to a requesting Party, and the Parties shall meet and confer regarding the next steps, if any, with respect to such ESI. The Parties are not required to provide information on passwords obtained or the manner with which password-protected or encrypted files were made accessible. Where the producing Party no longer

- possesses the software required to read or decipher files otherwise subject to production, it is under no obligation to obtain such software and provide it to the requesting Party, provided, however, that, if the requesting Party attempts to obtain such software, the producing Party shall cooperate with the requesting Party to the extent reasonably necessary to identify the software, its licensor, and any technical information or permissions needed for the requesting Party to read or decipher the files.
- M. **Corrupted or Technical Issue Documents:** If a document being produced (i.e., it is otherwise in a responsive family) cannot be processed (e.g., it is corrupt or protected by an unavailable password), a single-page, Bates-stamped image slip sheet stating “File Could Not Be Processed” or similar wording will be provided and a metadata field for “Technical Issue” shall be populated.

V. **PARAMETERS FOR COLLECTING DOCUMENTS**

- A. **Document Custodians and Custodial Data Sources:** Within 30 days of the producing Party’s service of its objections and responses in which it agrees to produce documents, the producing Party must disclose in writing an initial list of its own proposed document custodians (“Document Custodians”) and custodial sources (e.g., personal computers, laptop computers, email, calendars, mobile devices, shared network storage or folders, structured data systems, etc.). If a requesting Party contends that additional Custodians or custodial sources should be added, then the Parties shall meet and confer in good faith and, if the parties are unable to reach agreement, the requesting Party may seek relief from the Court.
- B. **Non-Custodial Sources:** The Parties agree to meet and confer, within 30 days of the producing Party’s service of its objections and responses in which it agrees to produce

documents, regarding any “Non-Custodial” document sources that the producing Party believes, based on its investigation to date, may reasonably be likely to contain unique responsive information. For the avoidance of doubt, “Non-Custodial” document sources include departmental files, shared drives, multi-user messaging platforms (or “chat” platforms), such as Slack or Microsoft Teams; cloud storage accounts; online repositories, social media accounts of the Party, intranets, and databases. The Parties shall meet and confer regarding how the producing Party’s objections and proposed limitations to the scope of discovery would change the Non-Custodial document sources from which the producing Party will collect and produce Documents. If a requesting Party contends that additional Non-Custodial document source(s) should be added, then the Parties shall meet and confer in good faith and, in the event the parties are unable to reach agreement, the requesting Party may seek relief from the Court.

- C. **Culling Technologies:** As a general matter, the means of and parameters for culling ESI in this section apply to Non-Custodial ESI as well as to Custodial ESI. If a producing Party seeks to use other culling technologies for Non-Custodial ESI, it must inform the requesting Party or Parties before implementing such technology, after which the Parties shall promptly meet and confer in a good faith effort to resolve any disputes on such issue. The Parties may seek resolution of any such dispute by the Court only if they have been unable to reach resolution through the meet-and-confer process.
- D. **Mobile Device ESI:** For Document Custodians agreed on by the Parties or ordered by the Court, a producing Party will take reasonable steps to identify whether any responsive and non-duplicative ESI items in the possession, custody, or control of the Party are located on any mobile devices, including cellphones and tablets, used by any

of those Custodians. If non-duplicative responsive ESI items are located on such a mobile device by any of those Custodians, then the producing Party shall collect those ESI items in a manner that preserves the content and metadata associated with those items. To the extent reasonably possible, materials collected pursuant to this subparagraph shall be produced as image files with related searchable text, metadata and bibliographic information. If necessary to determine the identities of email, text message, app-based message, or IM senders or recipients, the producing Party will provide a table of names or contact lists from custodians. Nothing in this subparagraph shall be construed as a determination on the appropriateness of mobile device discovery or any objections to mobile device discovery.

E. **Search Methods:**

1. **Search Methodology Disclosure:** The Parties agree to meet and confer within 30 days of the producing Party's service of its objections and responses in which it agrees to produce documents, regarding (i) potential use and identification of search terms, tools, or techniques, (ii) use of technology assisted review or artificial intelligence ("TAR/AI") in whole or part to cull any corpus of materials, and (iii) all parameters for scoping the review and production efforts (e.g., application of date ranges, custodians, non-custodial sources, etc.).
2. **Technology Assisted Review Negotiation Process:** The Parties will meet and confer regarding the use of TAR/AI to cull any corpus of materials, alone or in combination with some other methodology. By no later than 50 days after service of responses and objections to the initial sets of requests for production, the Parties will: (a) submit an agreed-upon TAR/AI Protocol to the Court or

(b) simultaneously submit one letter brief of no more than 10 pages total for Plaintiffs and one letter brief of no more than 10 pages total for Defendants concerning any disputes as to the TAR/AI Protocol.

3. **Search Term Negotiation Process:**

- a. Before a producing Party uses search terms, the producing Party shall describe in writing to the requesting Party or Parties the search protocol the producing Party intends to use and shall include: (a) the search methodology criteria to be used to identify the universe of documents to which search terms will be applied (e.g., custodians, non-custodial sources, and date ranges), (b) proposed search terms to be applied, subject to revision based on, for example, meet and confer of the Parties, and (c) any use of TAR/AI.
- b. At the time the producing Party discloses its proposed search terms, it shall also disclose in writing the document review software and version number that is being used to run those search terms (e.g., Relativity 10.4), the stop/noise words for that search software, and the search language syntax used by that software.
- c. At the time that the producing Party discloses its search terms, the producing Party shall explain in writing how it will identify and review materials that do not have a sufficient amount of searchable text or are otherwise not suited to identification using text-based searches, including, for example, video files, audio files, and structured data.
- d. Within 30 days of receiving the producing Party's proposed search terms, the requesting Parties will provide any proposed revisions and additions to the producing Party's search terms. For purposes of this paragraph, Defendants shall cooperate to provide a single set of proposed revisions and additions to Plaintiffs, with the understanding that there may be a set of global search terms and sets of individualized search terms.
- e. Within 30 days of receipt of the receiving Parties' proposed revisions and additions to the producing Party's search terms, the producing Party shall provide: (a) any objections to the receiving Parties' proposed revisions including information sufficient to support its objections to the proposed revisions and additions, and (b) a hit report for each objected to revision or addition to the search terms showing the number of hits, hits with families, unique hits for that search relative to the total number of hits, and unique hits for all search terms under discussion between the producing Party and the liaison for the receiving Parties.

- f. After exchanging proposed search terms, proposed revisions/additions, and any objections to proposed revisions/objections, the Parties shall promptly meet and confer in good faith to try to resolve any disputes as to the search terms to be applied to the producing Party's materials. Any unresolved differences shall promptly be brought to the Court's attention.
 - g. The Parties agree that the requesting Parties may propose additional search terms to be used by a producing Party at any time before the close of fact discovery. For purposes of this paragraph, Defendants shall cooperate to provide a single set of proposed revisions and additions to Plaintiffs. Any unresolved differences concerning later proposed search terms shall promptly be brought to the Court's attention.
- 4. **Otherwise Known Responsive Information:** A producing Party's use of a search methodology does not relieve it of the duty to produce information that it already knows about or becomes aware of that is responsive to the agreed-upon or Court-ordered scope of a request for production, even if that information was not captured in the producing Party's document collection, review, or production.
- 5. **Reservation of Rights:** By agreeing to the use of a particular search methodology, the requesting Party does not waive objections that the search methodology was not implemented in a proper, effective, or good faith manner.

VI. CLAIMS OF PRIVILEGE AND REDACTIONS

- A. **Production of Privilege Logs:** If a Party fully withholds a document otherwise discoverable by claiming that it is privileged, that Party shall produce a privilege log. The privilege log must be detailed enough to enable other Parties to assess the applicability of the privilege asserted and should include for each withheld document, to the extent available (1) the sender or author, recipient, and each individual copied or blind copied on the document, including names and email addresses, (2) the date the

document was created and last modified, (3) the file name or email subject, as applicable, (4) the document extension (e.g., .msg, .pptx, etc.), (5) the Bates number or Control Number of the document, (6) the specific privilege or protection is being asserted for the particular document (e.g., attorney-client privilege, work product, common interest, or combination thereof), and (7) the reason that the privilege or protection is being asserted for the particular document. Privilege logs should denote which individuals are attorneys (through a marking such as an asterisk or on a separate list), as well as the Party each such attorney represents. If an entire email family is privileged, attachments to emails shall be logged as separate documents on the log, with family relationships identified. Non-privileged attachments shall be produced. If only certain documents within a family are privileged, then the privileged document shall be produced as a slipsheet with Bates marking and logged. Documents containing redactions must be logged if the basis for privilege or protection is not readily determinable by referring to the authorship and/or the contents included within the document. For email threads, the information shall be extracted only from the available metadata fields for items (1) through (4) above from the most-inclusive version of the thread. Lesser-included emails need not be logged. The privilege log shall be produced in XLS or XLSX format. **The Parties shall produce by November 13, 2026 an initial privilege log of up to 150 entries (or all privileged documents identified to date, if fewer than 150).**

- B. **Logging of Threads.** Parties shall log email threads using the available file metadata only for elements (1) through (4) listed in Section VI.A above from the most-inclusive

version of a thread. Email threads redacted for privilege shall be governed by Section VI.D below.

1. For the avoidance of doubt, if any lesser-included email in a thread (or any attachment thereto) is not privileged and is relevant, only the portion of the email thread that is subject to one or more privileges or protections shall be redacted and the remainder produced.
2. In the event of a dispute over a Party's assertion of privilege over unlogged emails, the parties shall promptly meet and confer in good faith before submitting any dispute to the Court.

C. **Exclusions from Logging Potentially Privileged Documents:** The following categories of Documents need not be reflected in a Producing Party's privilege log, unless good cause exists to require that a Party do so or the Parties otherwise agree:

1. Any communications exclusively between a producing Party and its outside counsel, a producing Party and its in-house counsel concerning past and active litigation matters, an agent of outside counsel other than the Party, any non-testifying experts in connection with this Litigation, or with respect to information protected by Fed. R. Civ. P. 26(b)(4), testifying experts in connection with this Litigation.
2. Communications after the filing of the initial complaint in this Litigation, exclusively between a producing Party and its corporate in-house and/or outside counsel (including their agents) regarding this Litigation.

3. Work product created by counsel, an agent of counsel, or a Party at the direction of counsel, for this Litigation after the filing of the initial complaint in this Litigation.

- D. **Documents Redacted for Privilege:** The producing Party will undertake reasonable efforts to make limited, line-by-line redactions of privileged or work product information. Redacted documents need not be logged in the first instance, so long as (a) for emails, the names of the sender and all recipients of the email are not redacted, (b) for non-email documents, the redaction is noted on the face of the document and in a redaction metadata field, (c) the producing Party includes a metadata field (PrivRedacted) indicating that the document was redacted on the basis of privilege, so that the receiving Party can readily identify the universe of documents containing privilege redactions, if the basis for the privilege is apparent from the unredacted portion of the document. For the avoidance of doubt, no Party shall be permitted to make wholesale redaction to documents, such as email bodies, to avoid the requirements imposed by this Order that privileged materials be adequately logged.
- E. **Personally Identifiable Information (“PII”) Redactions:** A producing Party may redact personally identifiable information (e.g., patient names or Social Security Numbers related to medical bills, procedures, or claims) if it is (a) irrelevant and (b) the producing Party notifies and meets and confers with the requesting Party before applying such redactions. If a producing Party wishes to redact highly sensitive, irrelevant information, it shall notify the requesting Party. The producing and requesting Parties shall promptly meet and confer in a good faith effort to resolve any

dispute and shall submit the matter to the Court for resolution only if they are not able to reach resolution through the meet-and-confer process.

- F. **Redaction and Withholding for Relevance:** A producing Party may not redact information from an otherwise responsive document on the grounds that it is irrelevant, nor may a producing Party withhold any otherwise responsive document or any member of a document family solely based on relevance concerns. Notwithstanding the foregoing, the Parties agree to meet and confer on a case-by-case basis before any producing Party redacts sensitive information on relevance grounds.

VII. NON-PARTY DOCUMENT REQUESTS

- A. **Non-Party Document Subpoenas:** All Non-Party document subpoenas shall be served on all counsel of record in compliance with Fed. R. Civ. P. 45. Service via email on a designated service list shall constitute compliance with Rule 45.
- B. **Non-Party Document Productions:** The recipient of a Non-Party document production shall serve a copy of that document production on all counsel of record within seven (7) days of receiving the document production. Service of documents or a file transfer link via email on a designated service list shall constitute compliance with this paragraph.
- C. **Informing Non-Parties of This Order:** The Parties agree to provide a copy of this Order with any document subpoena served in this Litigation.

VIII. MISCELLANEOUS PROVISIONS

- A. **Service of Discovery Requests and Disclosures:** All discovery requests and discovery-related disclosures may be served via email on a Party's ESI Liaison.

- B. **Inaccessible ESI:** If a producing Party asserts that certain categories of ESI that are reasonably likely to contain responsive information are inaccessible or otherwise unnecessary under the circumstances, or if the requesting Party asserts that, following production, certain ESI is not reasonably usable, the Parties shall promptly meet and confer in good faith to try to resolve such issues. The Parties shall submit the matter to the Court for resolution only if they are not able to reach resolution through the meet-and-confer process.
- C. **Deleted, Destroyed, or Overwritten Materials:** If a producing Party has reason to believe that ESI, paper documents, or other materials that are reasonably likely to contain information responsive to the agreed-upon or court-ordered scope of a receiving Party's requests for production have been destroyed, deleted, or overwritten either intentionally or unintentionally, the producing Party shall disclose all pertinent facts concerning the deleted, destroyed, or overwritten ESI or hard-copy documents, including the type of data at issue, the information it may have contained, the identification of the person responsible for deleting, destroying, or overwriting it, and when that information was deleted, destroyed, or overwritten.
- D. **Limitations.** Nothing in this ESI Protocol Order establishes any agreement as to either the temporal or subject matter scope of discovery or as to the relevance or admissibility of any Document or ESI. Nothing in this ESI Protocol Order shall be interpreted to require information protected by the attorney-client privilege, work-product doctrine, or any other reasonably applicable privilege or immunity. The Parties do not waive any objections as to the production, discoverability, admissibility, or confidentiality of Documents and ESI.

E. **Variations or Modifications:** Variations from this ESI Protocol Order may be required.

Any practice or procedure set forth herein may be varied by agreement of all affected Plaintiffs and all affected Defendants, which will be confirmed in writing. In the event a producing Party determines that a variation or modification is appropriate or necessary to facilitate the timely and economical production of documents or ESI, including with respect to any applicable deadlines, the producing Party will notify the requesting Party of the variation or modification. Upon request by the requesting Party, those Parties will promptly meet and confer in good faith to address any issues in a reasonable and timely manner before seeking Court intervention.

F. **Best Efforts Compliance and Disputes.** The parties agree to use their best efforts to comply with and resolve any differences concerning compliance with any provisions of this ESI Protocol Order. If a producing Party cannot comply in a particular circumstance with this ESI Protocol Order, such party shall promptly inform the requesting Party in writing why compliance with the ESI Protocol Order is not reasonable or feasible. No party may seek relief from the Court concerning compliance or non-compliance with the ESI Protocol Order until it has met and conferred with the other party in a good faith effort to resolve or narrow the area of disagreement.

SO ORDERED.

Dated: May __, 2026

APPENDIX 1: ESI Metadata and Coding Fields

Field Name¹	Populated For (Email, Edoc, Calendar, Contact, Cellphone, or All)	Field Description
BegBates	All	Control Numbers (beginning Bates number as stamped on the production image).
EndBates	All	Control Numbers (ending Bates number as stamped on the production image).
BegAttach	All	Control Numbers (first production Bates number of the first document of the family).
EndAttach	All	Control Numbers (last production Bates number of the last document of the family).
Custodian	All	Custodian name (e.g., John Doe).
CustodianOther or CustodianAll	All	All custodians who were in possession of a de-duplicated document besides the individual identified in the “Custodian” field.
LogicalPath	All ESI Items	The directory structure of the original file(s). Any Container name is included in the path.
Hash Value	All	The MD5 or SHA-1 hash value.
NativeFile	Documents produced in Native Format	Native File Link.
Email Thread ID	Email	Unique identification number that permits threading of email conversations. For instance, unique MS Outlook identification number (“PR_CCONVERSATION-INDEX”) is 22 bytes in length, followed by zero or more child blocks each 5 bytes in length, which facilitates use of email threading.
Thread Index	Email	Message header identifier, distinct from “PR_Conversation_Index,” that permits threading of email chains in review software.
EmailSubject	Email	Subject line of email.
DateSent	Email	Date email was sent.
DateMod	Email, Edoc	Date the document was modified.
TimeSent	Email	Time email was sent.
TimeZoneUsed	All	Time zone used to process data during document collection and processing.
ReceiveTime	Email	Time email was received.

¹ Field Names can vary from system to system and even between different versions of systems. Thus, the Parties are to be guided by these Field Names and Descriptions when identifying the metadata fields to be produced for a given document pursuant to this ESI Protocol Order.

Field Name¹	Populated For (Email, Edoc, Calendar, Contact, Cellphone, or All)	Field Description
To	Email	All recipients that were included on the “To” line of the email.
From	Email	The name and email address of the sender of the email.
CC	Email	All recipients that were included on the “CC” line of the email.
BCC	Email	All recipients that were included on the “BCC” line of the email.
DateCreated	Edoc	Date the document was created.
TimeCreated	Edoc	Time the document was created.
FileName	Email, Edoc	File name of the edoc or email.
DocType	Email, Edoc	Single choice field that indicates the file is an email, edoc, attachment or hard copy.
Title	Edoc	Any value populated in the Title field of the document properties.
Subject	Edoc	Any value populated in the Subject field of the document properties.
Author	Edoc	Any value populated in the Author field of the document properties.
DocExt	All	File extension of the document.
TextPath	All	Relative path to the document level text file.
Redacted	All	“X,” “Y,” “Yes,” and “True” are all acceptable indicators that the document is redacted. Otherwise, leave blank.
PrivRedacted	All	“Yes” indicator that the document is redacted on the basis of privilege. Otherwise, leave blank.
Withheld Placeholder	All	To the extent a document is fully withheld (on the basis of privilege or otherwise), this field must be populated with a “Y”.
Paper	All	“Y” if document is scanned from hard copy in connection with the collection and production of documents in this matter.
Confidentiality	All	Indicates if document has been designated as confidential material pursuant to the Stipulated HIPAA-Qualified Protective Order entered into by the Parties.