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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

J.M., an individual,

Plaintiff,

v.

RED ROOF INNS, INC., et al.,

Defendant.

) Case No. 2:22-cv-00672-KJM-JDP
)
) JUDGE KIMBERLY J. MUELLER
)
) **PROPOSED ORDER REGARDING**
) **DISCOVERY OF ESI**
)
)
)

1 The parties to the above-captioned Action (the “Parties,” and each, a “Party”) stipulate and
2 agree that the following specifications shall govern discovery of all physical documents,
3 electronically stored information, and any other materials and information, if any, produced by the
4 parties during discovery in the above-captioned action.

5 **I. DEFINITIONS**

6
7 The following definitions apply to this Order Regarding Discovery of Electronically Stored
8 Information (“ESI Order”):

9
10 1. “Action” means the above-captioned matter.

11 2. “Custodian” means the individual or originating source from which
12 Documents or ESI will be collected and reviewed.

13 3. “Document” and “Electronically Stored Information” (“ESI”) is defined to
14 be synonymous in meaning and equal in scope to the usage of the term “documents or
15 electronically stored information” in Federal Rule 34(a)(1)(A). A draft or non-identical copy is a
16 separate document within the meaning of this term.

17
18 4. “Native Format” means and refers to the file structure of a document
19 created by the original creating application (in contrast to a Static Image, which is a
20 representation of ESI produced by converting a native file into a standard image format capable
21 of being viewed and printed on standard computer systems, such as .tiff or .pdf).

22
23 5. “Metadata” means (i) information associated with or about a file that is not
24 ordinarily viewable or printable from the application that generated, edited, or modified such
25 native file which describes the characteristics, origins, or usage or validity of the electronic file;
26 and (ii) information generated automatically by the operation of a computer or other information
27 technology system when a native file is created, modified, transmitted, deleted, saved, or otherwise
28 manipulated by a user of such system.

1 6. “Load File” means an electronic file containing information identifying a
2 set of paper-scanned images or processed ESI and indicating where individual pages or files belong
3 together as documents, including attachments, and where each document begins and ends. A Load
4 File will also contain data relevant to the individual Documents, including extracted and user-
5 created Metadata, as well as OCR or Extracted Text, should such data be available.
6

7 7. “OCR” means optical character recognition technology which is created by
8 software used in conjunction with a scanner that is capable of reading text-based paper/hard copy
9 documents and making such documents searchable using appropriate software.
10

11 8. “Extracted Text” means the text extracted from a native document, and
12 includes all header, footer, and document body information, including any hidden content, when
13 available. A “Text File” is a file containing the full multi-page text of native or near-native files
14 extracted directly from the native file, or, in the case of paper/hard copy documents subject to
15 OCR, a file containing the text resulting from the OCR.
16

17 9. “Media” means an object or device, including but not limited to, a disc,
18 tape, computer, or other device, on which data is or was stored.
19

20 10. “Parties” collectively shall mean all named parties to any action in these
21 Proceedings, including any Party added or joined to any complaint in these Proceedings, as well
22 as named parties to actions that may be consolidated into or coordinated with the above-captioned
23 Action.
24

25 11. “Predictive Coding/Technology Assisted Review” shall mean processes for
26 prioritizing or coding a collection of documents using computerized systems, such as machine-
27 learning algorithms, that may rely on the judgments of one or more attorneys experienced in the
28 subject matter of a litigation regarding the responsiveness of a subset of documents and
extrapolates those judgments to the remaining document collection. For purposes of this Protocol,

1 Predictive Coding/Technology Assisted Review is synonymous with computer-assisted review,
2 computer-aided review, and content-based advanced analytics or other terms used to refer to search
3 methodologies that rely on machine-based learning to identify responsive documents.

4 12. “Production” or “Produced” includes any exchange of Documents or
5 Electronically Stored Information between the Parties, whether voluntarily or in response to a
6 formal or informal request.
7

8 13. “Search Term” means a combination of words (including synonyms) and
9 phrases designed to capture potentially relevant ESI, and includes strings of words and phrases
10 joined by proximity and Boolean connectors.
11

12 14. “Static Image” means or refers to a representation of ESI produced by
13 converting a native file into a standard image format capable of being viewed and printed on
14 standard computer systems. A Tagged Image File Format (TIFF) image is an example of a Static
15 Image. “TIFF” refers to the CCITT Group IV graphic file format for storing bit-mapped images of
16 ESI or paper Documents.
17

18 15. “Structured Data” means ESI stored in a structured format, such as
19 databases or data sets according to specific form and content rules as defined by each field of the
20 database.
21

22 16. “Unstructured Data” refers to free-form data which either does not have a
23 data structure or has a data structure not easily readable by a computer without the use of a specific
24 program designed to interpret the data, such as word processing documents, slide presentations,
25 Email, and image files.
26

27 **II. GENERAL**

28 A. The Parties shall take reasonable steps to comply with the procedures laid out in
this ESI Order. The Parties agree to promptly alert all other Parties concerning any technical

1 problems associated with complying with this ESI Order. If compliance with this ESI Order
2 imposes an undue burden with respect to any protocol, source, or search term listed herein, the
3 Parties shall promptly confer in good faith in an effort to resolve the issue.

4 B. The purpose of this Order is to facilitate the exchange of physical documents and
5 ESI in an efficient manner and in accordance with the Federal Rules of Civil Procedure (“Federal
6 Rules”). By stipulating to this Order and agreeing to produce documents, generally, in a particular
7 form or form, except as specifically set forth herein, this Order does not:

8
9 1. Alter or affect the applicability of the Federal Rules or any Local Rules of
10 the U.S. District Courts (“Local Rules”), as applicable;

11 2. Enlarge, reduce, or otherwise affect the scope of discovery in this litigation
12 as imposed by the Court’s orders;

13 3. Address, limit, determine, or affect the relevance, discoverability, or
14 admissibility as evidence of any document or ESI, regardless of whether the document or ESI is
15 to be preserved, is preserved, or is produced;

16 4. Imply that discovery produced under the terms of this ESI ORDER is
17 properly relevant, discoverable, or admissible in this or in any other litigation; or

18 5. Alter or affect the objections of discovery applicable under the Federal
19 Rules, and no Party waives any objections to producing any particular document or category of
20 documents on any grounds whatsoever.

21 C. If reasonably possible, the production of physical documents and ESI shall be
22 conducted to maximize efficient and quick access and minimize related discovery costs. The terms
23 of this ESI Order shall be construed to ensure the prompt, efficient, and cost-effective exchange
24 of information consistent with the Federal Rules, the Local Rules, and any orders that have been
25 entered by this Court in this case.
26
27
28

1 D. All documents that are produced in this Action shall be produced in the manner
2 provided herein, provided however, that the Parties may agree to other forms of production for
3 all or part of the documents produced. Nothing in this ESI Order shall be interpreted to require
4 disclosure of physical documents, ESI or other materials that a Party contends are not
5 discoverable or are protected from disclosure by the attorney-client privilege, the attorney work
6 product doctrine, or any other privilege that may be applicable. Additionally, nothing in this ESI
7 Order shall be deemed to waive or limit any Party's right to object to the production of certain
8 physical documents or ESI, or to move for an appropriate order on the ground that the sources are
9 not reasonably accessible because of undue burden or cost or on the ground that there is no good
10 cause for the documents/production. Nothing in this ESI Order shall be deemed to limit, modify,
11 or override any provision of the confidentiality order entered in this case to govern production of
12 confidential information.
13
14

15 **III. IDENTIFICATION OF RESPONSIVE ESI**

16 Consistent with their obligations under the applicable Federal Rules and Local Rules, the
17 Parties will attempt to resolve, in person, in writing (including email), or by telephone, disputes
18 regarding the issues set forth herein before filing a motion with the Court, or otherwise seeking
19 relief. If the Parties are unable to resolve the dispute after a good-faith effort, the Parties may seek
20 Court intervention in accordance with the Court's procedures.
21

22 **VI. PRODUCTION OF PHYSICAL DOCUMENTS AS STATIC IMAGES**

23 Documents that exist solely in physical hard-copy format shall be scanned and produced in
24 color where the original hard-copy document exists in color and shall also be scanned and
25 produced as either (a) single-page, Group IV, 300 DPI TIFF images or (b) single-page JPEG
26 images, with an Opticon image Load File using ANSI/Western European encoding ("OPT file")
27 and a delimited database Load File ("DAT file"). The DAT file should contain the fields listed in
28

1 Exhibit A. Hard copy documents should be physically unitized. The Parties reserve the right to
2 allocate costs of color scanning if it becomes burdensome, and any such requests are subject to the
3 boundaries of proportionality.

4 If the producing party performs optical character recognition (“OCR”) on a document for its
5 own benefit, the document-level OCR text should be produced as an accompanying plain text file
6 named after the bates number in the “BEGNO” field of the DAT. To the extent OCR plain text files
7 are produced, the producing party is not certifying that the accompanying text file is accurate or
8 reliable for searching purposes beyond the application of the underlying OCR technology.
9

10 **VII. PRODUCTION FORMAT FOR ESI**

11
12 A. **General:** All ESI should be produced as single-page, Group IV, 300 DPI TIFF in
13 black and white.

14 B. **Native Production:** Notwithstanding Section III.A., the following file types shall
15 be produced in native format unless they require redaction (i) audio, (ii) video, (iii) databases, (iv)
16 spreadsheet-type files (*e.g.* Microsoft Excel, Corel Quattro, *etc.*), (v), computer slide presentations,
17 including PowerPoint, Google Slides, Keynote slides *etc.*; (vi) JPEGs; and (vii) multimedia files
18 (*e.g.* GIFs, animations or combination of text, sound and/or motion video). All native files that
19 require redaction shall first be processed to show and reveal all color, comments, revision marks,
20 speaker notes, or other user-entered data which are visible in any view of the document in its native
21 application, all of which shall be evident in the generated TIFF image(s).
22

23
24 1. Documents produced in native format should be named according to the
25 Bates number assigned, with the confidentiality designation appended to the Bates numbers with
26 a hyphen. Native documents should be linked directly to their corresponding records in the DAT
27 file using the NATIVELINK field.
28

1 2. Single-page Bates-stamped TIFF image slip-sheets will be included for
2 each document produced in native format. The slip-sheets will display the Bates number of the
3 native file, the Confidentiality endorsement, and an endorsement stating “File Produced Natively.”
4 If documents requested in native format require redactions, the parties should ensure that proper
5 formatting and usability are maintained. The requesting party will identify to the producing party
6 redacted documents whose formatting or usability has been unreasonably degraded, and the parties
7 will meet and confer to agree on reasonable modifications to the production format.
8

9 3. If a spreadsheet-type file must be redacted, and the image file exceeded 15
10 pages, only the first 15 pages of that spreadsheet need to be redacted and the remainder may be
11 slipsheeted with a TIFF image slip-sheet noting that "Additional Pages Exceeding Redaction
12 Threshold".
13

14 C. **Redactions:** As set forth in the Confidentiality Agreement, the Producing Party
15 may redact from any TIFF image, metadata field, or native file material that is protected from
16 disclosure by applicable privilege or immunity. The Producing Party shall identify redactions
17 clearly on the face of any TIFF image, either with “Redacted” or the redaction reason on the face
18 of the Document if space allows (e.g. Privilege, etc.).
19

20 D. **Technical Issues:** If a document which would otherwise be produced in TIFF
21 format cannot be imaged for technical reasons, it may also be produced in native format as
22 described above, in which case the slip-sheets will display the Bates number of the native file and
23 an endorsement stating “Document Unable To Be Imaged.”
24

25 E. **Color:** Documents containing color need not be produced in color in the first
26 instance, provided that the Producing Party shall retain a copy of produced hard copy documents
27 in color. The Producing Party will honor reasonable requests for a color image of a document, if
28 production in color is necessary to understand the meaning or content of the document. The

1 Requesting Party may request production of such documents in color by providing (1) a list of the
2 Bates numbers of documents it requests to be produced in color format; and (2) an explanation of
3 the need for production in color format. The Producing Party shall not unreasonably deny such
4 requests. The Parties reserve the right to allocate costs of color productions if they become
5 burdensome, and any such requests are subject to the boundaries of proportionality.
6

7 F. **Metadata:** All ESI should be produced with a DAT file that contains the metadata
8 fields listed in **Schedule A** annexed hereto, to the extent captured at the time of the collection.

9 1. To the extent that metadata does not exist or is not reasonably accessible or
10 available for any documents produced, nothing in this ESI Order shall require any Party to create,
11 extract, capture, collect or produce such metadata.
12

13 2. An accompanying OPT file should also be provided for all TIFF images.
14 TIFF images should show any and all text and images which would be visible to the reader using
15 the native software that created the document. For example, TIFF images of email messages should
16 include the BCC line, and TIFF images of MS Word documents should show all tracked changes
17 and comments.
18

19 G. **Text Files:** For all ESI produced, an accompanying document level text file
20 containing either the Extracted Text or OCR text from the document should be produced. The
21 file path and file name of the plain text file should be included in the “TEXTLINK” field of the
22 DAT file.
23

24 H. **Parent-Child Relationships:** Due to the contextual relationship of ESI, the Parties
25 will maintain family relationships for electronic data. The Parties agree that if any part of a
26 document or its attachments is responsive, the entire document and attachments must be
27 produced, except any attachments that must be withheld or redacted on the basis of any privilege
28 or work- product or other protection. However, in an effort to avoid unnecessary expense and

1 burden, the Parties agree that completely non-responsive documents attached to a responsive
2 document may be produced as a single-page Bates-stamped TIFF image slip-sheet stating the
3 document has been withheld as non-responsive and slip sheet metadata produced as identified in
4 Schedule A. When producing responsive attachments, the parent email will be produced,
5 regardless of responsiveness unless otherwise protected from disclosure. Each document shall be
6 produced with the production number for the first and last page of that document in the
7 “BegBates” and “EndBates” fields of the data Load File and with the “BegAttach” and
8 “EndAttach” fields listing the production number for the first and last page in the document
9 family.
10

11 **VIII. PRODUCTION FORMAT FOR STRUCTURED DATA**

12
13 To the extent a response to a non-objectionable discovery request requires production of
14 discoverable electronic information contained in a database, the parties will meet and confer to
15 address the most appropriate and cost-effective production format for the production and production
16 format of any responsive data contained in a database or other structured or aggregated data source or
17 otherwise maintained by an application, which may include running a report or a database export.
18 The Parties will reasonably cooperate in the exchange of information concerning such databases to
19 facilitate discussions on productions and production format. If the Parties cannot reach agreement,
20 the requesting party will make a motion to compel the information.
21
22

23 **IX. PRODUCTION FORMAT FOR MEDIA**

24 Documents shall be exchanged on DVD-ROMs, CD-ROMs, USB drives, portable hard
25 drives or through secure file transfer protocols (*e.g.*, FTP) or similar secure electronic transmission.
26 The production media shall be labeled with the Volume Number along with the Bates Number
27 range(s) of the materials, date of delivery, and where not practicable to do so, may be provided in an
28

1 accompanying letter. If a hard drive contains multiple volumes, each volume should be contained in
2 an appropriately named folder at the root of the drive. Volumes should be numbered consecutively
3 (ABC001, ABC002, etc.). Any document production that may contain material subject to the
4 Protective Order shall be produced in encrypted form and the production media shall be labeled
5 accordingly. If a Producing Party encrypts or “locks” the production, the Producing Party shall
6 send, under separate cover, an explanation of how to decrypt the production.
7

8 X. PROCESSING SPECIFICATIONS

9
10 A. **Time Zone:** All provided metadata pertaining to dates and times will be
11 standardized to Eastern Time.

12 B. **Global or Horizontal Deduplication:** All Parties shall make reasonable efforts to
13 de-duplicate ESI. ESI produced shall be globally de-duplicated across all collected custodial and
14 non-custodial sources. Removal of duplicate documents should only be done on exact duplicate
15 documents (based on MD5 or SHA-1 hash values, at the family level). Attachments should not be
16 eliminated as duplicates for purposes of production, unless the parent email and all attachments
17 are also duplicates. An email that includes content in the BCC or other blind copy field should not
18 be treated as a duplicate of an email that does not include content in those fields, even if all
19 remaining content in the email is identical. The initial custodian of a document should be listed in
20 both the CUSTODIAN and ALL CUSTODIAN fields and subsequent custodians' deduplicated
21 copies of the document should be listed in the ALL CUSTODIANS field, with each custodian
22 name separated by a semicolon.
23
24

25 C. **Email Thread Suppression:** The parties must meet and confer on the best
26 practices and technology to be used to identify most inclusive emails and unique attachments
27 associated with an email thread. If email thread suppression is utilized, the Producing Party
28 may—but is not required to produce any lesser inclusive emails and any identical attachments

1 associated with an email.

2 E. **System Files:** Each Party will “de-NIST” system and application files, unless they are
3 determined by the producing party to be responsive.

4
5 **XI. BATES NUMBERS**

6 Bates numbering should be consistent across the production, contain no special characters,
7 and be numerically sequential within a given document. If a Bates number or set of Bates numbers is
8 skipped, the skipped number or set of numbers should be noted with a placeholder. Attachments to
9 documents will be assigned Bates numbers that directly follow the Bates numbers on the documents
10 to which they were attached. In addition, wherever possible, each *.tiff image will have its assigned
11 Bates number electronically “burned” onto the image.
12
13

14
15 **XII. IDENTIFICATION AND COLLECTION OF DOCUMENTS**

16 Except as otherwise agreed upon in this ESI Order, the Parties will meet and confer
17 periodically regarding the scope of discovery, prioritizing collection and production efforts,
18 methods of ESI collection, including agreements on (i) custodians and business records, (ii) data
19 sources, including joint data sources managed or accessed by multiple employees, (iii) search
20 terms, (iv) email addresses or domains, and (v) date restrictions by matter or custodian, and
21 memorialize in writing any agreements reached. As part of these discussions, Counsel for the
22 respective Defendants will disclose to Plaintiffs the Custodians most likely to possess responsive
23 ESI and hard copy documents.
24
25

26 **X111. REVIEW POPULATION OF POTENTIALLY RESPONSIVE DOCUMENTS**

27 The Parties acknowledge the potential benefits of using technology-assisted review (“TAR”)
28 technology and methodology in assisting in the identification of responsive documents, whether

1 used in combination with search terms or otherwise. Used properly, subject to negotiation, an
2 appropriate and reasonable TAR protocol can be one aid in identifying responsive documents.

3 The Parties will negotiate and discuss the proper procedures to use in this matter, including
4 TAR, search terms, and other measures, to identify a proportionate and reasonable number of
5 potentially responsive documents in connection with Defendants' production. The Parties will
6 jointly agree to the methods and systems that they propose to use to identify potentially responsive
7 documents for this matter, and agree to meet and confer after collection of the ESI and physical
8 documents in
9 this case.
10
11

12 **XIV. EXCLUDED FILE TYPES**

14 Absent a particularized need and good cause showing, the circumstances of this case do not
15 warrant the preservation, collection, review, or production of ESI from the sources noted below
16 because they are either not reasonably accessible or it is anticipated that enough relevant
17 information can be yielded from accessible sources and, as necessary and appropriate,
18 supplemented with deposition discovery. The following ESI does not require preservation,
19 collection, review or production:
20

21 1. Deleted, shadowed, damaged, residual, slack, fragmented, or other data
22 only accessible by specialized computer forensics tools and methods.

24 2. Random access memory (RAM), temporary files, or other ephemeral data
25 that is difficult to preserve without disabling the operating system.

26 3. Online access data such as temporary Internet files, history, cache, cookies
27
28 and the like.

1 4. Data stored on photocopiers, scanners, and fax machines.

2 5. Data in metadata fields that are frequently updated automatically, such as
3 last accessed dates, last printed dates, and last saved dates, so long as at the time the data is
4 collected for inclusion on Schedule “A” nothing is done to scrub, remove or alter in any way the
5 data from the native files.
6

7 6. Back-up data that are substantially duplicative of data that are more
8 accessible elsewhere.

9 7. Server, system, or network logs.

10 8. Data remaining from systems no longer in use that is unintelligible on the
11 systems in use.
12

13 9. Email, calendars, and contact data sent to or from mobile devices (e.g.,
14 iPhone, iPad, Android, and Blackberry devices) that are duplicative of data that are more accessible
15 elsewhere.
16

17 Nothing herein shall prevent a Party from subsequently requesting that ESI or other
18 Documents identified above be preserved and produced if specific facts demonstrate a particular
19 need for such evidence that justifies the burden of preservation and retrieval.

20 **XV. PRIVILEGE AND PRIVILEGE LOGS**

21 A. **Privilege Log:** A Party that withholds documents, ESI, and any other materials and
22 information on the grounds of attorney-client privilege, attorney work product, and/or any other
23 applicable privilege, immunity or protection from discovery, shall produce a privilege log. The
24 privilege log shall list the specific privilege or privileges asserted regarding each withheld
25 document and describe the document with sufficient particularity to allow the receiving Party to
26 assess the claim of privilege but without revealing privileged information. The privilege log
27 shall, to the extent available, include the date the document was prepared, the person or persons
28

1 who prepared the document, and the person or persons to whom the document was addressed,
2 directly and by carbon copy or blind copy. The privilege log shall indicate whether any identified
3 sender or recipient of the document was acting in the capacity of attorney for the Party. The
4 privilege log shall include the subject and or title of the document without revealing privileged or
5 protected information.
6

7 1. **Materials Not Required to be Logged.** The following documents
8 presumptively need not be included on a privilege log:

9 (a) Privileged communications exclusively between a Party and its
10 counsel and/or staff or agents of counsel related to representation in this case where no other party
11 or third party is also included in the communication.
12

13 (b) Privileged communications exclusively involving outside counsel,
14 where no Parties to this action or any third party is included, copied, or blind-copied.
15

16 (c) Work product created by in-house or outside counsel, or by an agent
17 of in-house or undersigned counsel for this litigation.
18

19 (d) Non-substantive embedded files in privileged documents (*i.e.*,
20 images, logos, *et cetera*).
21

22 2. **Logging Email Threads.** For purposes of creation of a privilege log, a
23 Party need include only one entry on the log to identify withheld privileged emails that constitute
24 an uninterrupted dialogue between or among individuals; provided, however, that disclosure must
25 be made that the emails are part of an uninterrupted privileged dialogue. Moreover, the beginning
26 and ending dates and times (as noted on the emails) of the dialogue and the number of emails
27 within the dialogue must be disclosed, in addition to other requisite privilege log disclosure
28 referenced above, including the names of all of the recipients of the communications.

 3. **Time for Serving Privilege Log.** Privilege logs shall be produced in

1 accordance with the Federal Rules of Civil Procedure and any applicable local rules and
2 procedures.

3 **B. Reservation on Privilege Logs.** The Parties reserve their rights to revisit the date
4 after which documents need not be included on a privilege log and may modify the agreed upon
5 date(s) by mutual agreement. The Parties further agree to meet-and-confer regarding any proposed
6 additional categories of documents that presumptively need not be logged.
7

8 **XVI. PRODUCTION OF PRIVILEGED OR OTHERWISE PROTECTED MATERIAL**

9
10 The inadvertent production of ESI protected by any privilege, right, immunity, or
11 protection, including without limitation the attorney-client privilege and the attorney work-product
12 doctrine, shall be governed by any Protective Order entered in this case. For clarity and avoidance of
13 doubt, pursuant to Federal Rule of Evidence 502(d), the inadvertent production of a privileged or work
14 product protected ESI is not a waiver in the pending case or in any other federal or state proceeding.
15 Moreover, the mere production of ESI in a litigation as part of a mass production shall not itself
16 constitute a waiver for any purpose.
17

18 Nothing contained in this ESI Order is intended to or shall serve to limit a Party's right to
19 conduct a review of documents, ESI or information (including metadata) for relevance,
20 responsiveness and/or segregation of privileged and/or protected information before production.
21

22 **XVII. THIRD PARTY DOCUMENTS**

23 A Party that issues a non-Party subpoena ("Issuing Party") shall include a copy of this ESI
24 Order with the subpoena and state that the Parties to the litigation have requested that third Parties
25 produce documents in accordance with the specifications set forth herein. Nothing in this ESI Order
26 is intended or may be interpreted to narrow, expand, or otherwise affect the rights of the Parties or
27 third Parties to object to a subpoena.
28

XVIII. GOOD FAITH

1
2 A. The Parties shall make their best efforts to comply with and resolve any differences
3 concerning compliance with this ESI Order . If a Producing Party cannot comply with any material
4 aspect of this ESI Order, such Party shall inform the Requesting Party as to why compliance with
5 the ESI Order was unreasonable or not possible within 15 days after so learning. No Party may
6 seek relief from the Court concerning compliance with the ESI Order unless it has conferred with
7 other affected Parties to the action.
8

9
10 B. Parties agree to identify the documents by including the Bates number of the first
11 page of the document at issue so long as the document was produced by the parties in this litigation
12 through discovery obtained in this litigation. Nothing in this paragraph is meant to preclude the
13 parties from otherwise using documents which were not necessarily produced as a result of
14 discovery in this litigation.
15

16
17 DATED: August 30, 2023

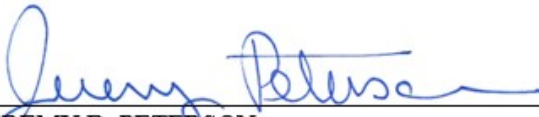
Jennifer J. El-Kadi
Counsel for Plaintiff, J.M.

18 DATED: August 30, 2023

Amanda Villalobos
Counsel for Def. Red Roof Inns, Inc.

19
20
21 IT IS SO ORDERED

22
23 Dated: September 19, 2023



JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE

SCHEDULE A

<i>Field</i>	<i>Data Type</i>	<i>Paper</i>	<i>Native Files & Email Attachments</i>	<i>Email</i>
BegDoc	Integer - Text	Starting Bates #	Starting Bates #	Starting Bates #
EndDoc	Integer - Text	Ending Bates #	Ending Bates #	Ending Bates #
BegAttach	Integer - Text	Starting bates # of document family	Starting bates # of document family	Starting bates # of document family
EndAttach	Integer - Text	Ending bates # of document family	Ending bates # of document family	Ending bates # of document family
Custodian	Text	Name of person the document was collected from	Name of person the document was collected from	Name of person the document was collected from
DupCustodian	Text – paragraph Separate entries with “;”		All names of people the document was collected from even if removed from production as a duplicate	All names of people the document was collected from even if removed from production as a duplicate
Folder	Text		File path/folder structure for the original native file as it existed at the time of collection	File path/folder structure for the original native file as it existed at the time of collection. Should include full path and folder locations of email container files such as PST and NSF and the internal path of the email within those files
From	Text - paragraph			Sender of message
To	Text – paragraph Separate entries with “;”			Recipients of message
CC	Text – paragraph Separate entries with “;”			Copied recipients
BCC	Text – paragraph Separate entries with “;”			Blind copied recipients

Subject	Text - paragraph			Subject of message
DateSent	Date (mm/dd/yyyy)			Date message sent
TimeSent	Time (hh:mm:ss)			Time message sent
DateReceived	Date (mm/dd/yyyy)			Date message received
TimeRecv	Time (hh:mm:ss)			Time message received
FileName	Text - paragraph		Name of original file including extension	Name of original file including extension
FileExtension	Text		Extension of original file	Extension of original file
DateCreated	Date/Time (mm/dd/yyyy)		Date file was created	
DateModified	Date/Time (mm/dd/yyyy)		Date file was last modified	
Title	Text - paragraph		Title from document metadata	

Author	Text - paragraph		Document author from metadata	
Company	Text - paragraph		Document company or organization from metadata	
FileHash	Text		MD5 or SHA-1 Hash Value of document	MD5 or SHA-1 Hash Value of document
NativeLink	Text - paragraph		Path including filename to the associated native file if produced (Relative Path)	Path including filename to the associated native file if produced (Relative Path)
TextLink	Text - paragraph	Path including filename to the associated searchable text file (Relative Path)	Path including filename to the associated searchable text file (Relative Path)	Path including filename to the associated searchable text file (Relative Path)
Confidentiality	Single choice	Designation branded onto the document	Designation branded onto the document	Designation branded onto the document
Source	Text - paragraph		Physical location, computer or server from which the data was collected	Physical location, computer or server from which the data was collected
Type of Redaction	Text multiple choices (attorney/client; work product etc)			Text multiple choices (attorney/client; work product etc)

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Last Accessed Date	Date (mm/dd/yyyy)		Last date file was accessed	Last date file was accessed
Last Saved Date	Date (mm/dd/yyyy)		Last Date saved	Last date saved
Last Printed	Date (mm/dd/yyyy)		Last Date printed	Last date printed
Slip-Sheet reason	Text – multiple choices filed, privilege, non-responsive, etc.	Text – multiple choices filed, privilege, non-responsive, etc.	Text – multiple choices filed, privilege, non-responsive, etc.	Text – multiple choices filed, privilege, non-responsive, etc.