

# **EXHIBIT A**

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF CALIFORNIA  
3 FRESNO DIVISION

4 EFRAIN MUNOZ, *et al.*,

5 Plaintiffs,

Case No.: 1:08-cv-00759-AWI-BAM

6 v.

7 PHH CORP., *et al.*,

8 Defendants.

9  
10 **PLAINTIFFS' THIRD SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**  
11 **TO DEFENDANTS PHH CORP., PHH MORTGAGE CORP.,**  
12 **PHH HOME LOANS, LLC AND ATRIUM INSURANCE CORP.**

13 TO: All Defendants

14 **PLEASE TAKE NOTICE** that, pursuant to Rules 26 and 34 of the Federal Rules of Civil  
15 Procedure, and Rule 250.3 of the Local Rules of the United States District Court for the Eastern  
16 District of California, Plaintiffs Efrain Munoz, Stephanie Melani, Leona Lovette, Iris Grant, John  
17 Hoffman, and Daniel Maga, II (collectively, "Plaintiffs"), by and through the undersigned  
18 attorneys, hereby request that PHH Corporation, PHH Mortgage Corporation, PHH Home Loans,  
19 LLC, and Atrium Insurance Corporation (collectively, "Defendants") produce the Documents  
20 requested herein within thirty (30) days of the date of service of these Requests for Production of  
21 Documents ("Requests"). Plaintiffs further request that Documents responsive to these Requests  
22 be produced at the offices of Kessler Topaz Meltzer & Check, LLP, 280 King of Prussia Road,  
23 Radnor, PA 19087. These Requests are continuing in nature, and any information and/or  
24 responsive documents acquired after Your responses have been served upon the undersigned  
25 should, as soon as possible after Your initial production, be supplied by way of written  
26 supplemental responses and production to these Requests. Information sought in these Requests  
27 should be supplied whether same is within the knowledge or under the control of the party or  
28 within the knowledge and under the control of its counsel.

1 Pursuant to Federal Rule of Civil Procedure 34(b)(1)(C) and 34(c), Defendants must  
2 produce all responsive electronically stored information (“ESI”) in the format outlined in Appendix  
3 1 to these Requests and according to the ESI Guidelines contained in Appendices 2 and 3 to these  
4 Requests.

### 5 DEFINITIONS

6 The following definitions apply to these requests. In the event of any ambiguity with one  
7 or more of the following definitions, common usage and reference to any cited rules, statutes, or  
8 regulations should be used to provide the broadest interpretation of the term in question. Plaintiffs  
9 incorporate herein the Definitions set forth in Plaintiffs’ First and Second Requests for Production  
10 and Plaintiffs’ First Set of Requests for the Production of Documents Directed to all Defendants  
11 Pursuant to the Court’s July 29, 2013 and August 15, 2013 Orders.

12 1. “CFPB” refers to the Consumer Financial Protection Bureau.

13 2. “CFPB Enforcement Action” means *In re PHH Corp.*, 2014-CFPB-002.

14 3. “Communication” refers to any oral, written, or electronic utterance, notation, or  
15 statement of any nature whatsoever, draft or final, potential or actual, by and to whomever made or  
16 attempted to be made, including, but not limited to, correspondence, memoranda, conversations,  
17 dialogues, discussions, interviews, consultations, agreements, electronic messages (including  
18 electronic-mail, text messages, instant messages, Company intranet, electronic bulletin board or  
19 Internet site posting) and other understandings between two or more Persons.

20 4. “Concerning” means pertaining to, relating to, regarding, referring to, describing,  
21 evidencing, constituting, reflecting, showing, comprising, considering, discussing, setting forth,  
22 studying, analyzing, commenting upon, recommending, alluding to, or mentioning, in whole or in  
23 part. Requests for documents “concerning” any subject matter include documents concerning  
24 communications regarding that subject matter.

25 5. “Defendants” means PHH Corporation, including but not limited to its divisions,  
26 PHH Mortgage Corporation, PHH Home Loans, LLC, and Atrium Insurance Corporation,  
27 (“Atrium”), and their officers, directors, agents, employees, members, representatives, attorneys,  
28 and other person or entity acting or purporting to act on its or their behalf.

1           6.       “Document,” having the broadest possible meaning accorded to it under Federal  
2 Rule of Civil Procedure 34, means any and all electronic data, any medium upon which  
3 intelligence or information can be recorded or retrieved, including without limitation electronic  
4 data stored on any computer, network, or electronic media, including, but not limited to, active  
5 files, deleted files, or fragmentary files, and also includes, without limitation, the original and each  
6 copy regardless of origin and location, of any book, pamphlet, periodical, letter, memorandum,  
7 diary, calendar, telex, electronic mail message, telegram, cable, report, record, contract, agreement,  
8 study, handwritten note, draft, working paper, chart, paper, print, record, drawing, sketch, graph,  
9 index, list, tape, stenographic recording, tape recording, computer diskette and/or data, photograph,  
10 microfilm, invoice, bill, order form, receipt, financial statement, accounting entry sheet or data  
11 processing card, or any other written, recorded, transcribed, punched, taped, filmed, or graphic  
12 matter, however produced, reproduced, or stored, which is in Your possession, custody, or control  
13 or which was, but is no longer in Your possession, custody, or control. The term “document” also  
14 means an authentic copy where the original is not in Your possession or control and every copy of  
15 a document that is not an identical copy of the original.

16           7.       “Electronic data,” “electronically stored information” or “ESI” means the original  
17 (or identical copies when originals are not available) and any non-identical copies (whether  
18 different from the originals because of notes made on such copies or otherwise) of electronic data  
19 of any kind or description, whether inscribed by mechanical, facsimile, electronic, magnetic,  
20 digital, or other means. Such data may include, but is not limited to, all text files (including word  
21 processing Documents), presentation files (such as PowerPoint), spreadsheets, electronic mail files  
22 and information concerning electronic mails (including electronic mail receipts and/or transmittals,  
23 logs of electronic mail history and usage, header information, and deleted files), Internet history of  
24 files and preferences, graphical files in any format, databases, calendar and scheduling information,  
25 task lists, telephone logs, contact managers, computer system activity logs, computer programs  
26 (whether private, commercial, or work-in-progress), programming notes or instructions, output  
27 resulting from the use of any software program including, but not limited to, database files, charts,  
28 graphs, outlines, operating systems, source codes of all types, programming languages, linkers and  
compilers, peripheral drivers, pif and tif files, batch files, native files and all ASCII files, and any

1 and all miscellaneous files and/or file fragments, regardless of the medium or media on which they  
2 reside and regardless of whether such electronic data is in an active file, deleted file, or file  
3 fragment. Electronic data includes, but is not limited to, any and all items stored on any electronic  
4 media, computers, networks or “cloud” computing services and all backup files containing  
5 electronically stored data. The term “electronic data” also includes the file, folder tabs, and/or  
6 containers and labels appended to or associated with any physical storage device associated with  
7 each such original and/or copy. In addition, the term “electronic data” includes all text messages,  
8 instant messages, internet messages, intranet messages, electronic bulletin board messages, blog  
9 entries, website postings of any nature, and all other methods by which messages may be  
10 transmitted by or through electronic means.

11 8. “You” or “Your” refer to the named defendant answering these Requests for  
12 Production and its officers, directors, agents, employees, members, representatives, attorneys, and  
13 other person or entity acting or purporting to act on its behalf.

### 14 INSTRUCTIONS

15 The following instructions are an integral part of these requests and apply to each of the  
16 requests as set forth below.

17 1. Pursuant to Federal Rules of Civil Procedure 34(b)(1)(C) and 34(c), Plaintiffs  
18 request that You produce all responsive electronically stored information (“ESI”) in the format  
19 outlined in Appendix 1 and according to the ESI Guidelines contained in Appendix 2.

20 2. Pursuant to Federal Rules of Civil Procedure 34(b)(2)(E)(i) and 34(c), Plaintiffs  
21 request that You produce all responsive Documents and ESI as they are kept in the ordinary course  
22 of business or label all responsive Documents and ESI to correspond to the categories in the  
23 request. All Documents shall be produced in their original folders, binders, covers, containers, or  
24 facsimile thereof

25 3. These Requests shall be deemed to be continuing, and to require You to supplement  
26 Your response in accordance with Rule 26(e) of the Federal Rules of Civil Procedure based upon  
27 any documents of which You become aware after You serve Your initial response to these  
28 requests. Such additional responses shall be served seasonably, but not later than thirty (30) days  
after such further information is received.

1           4.       These requests relate to all Documents that are in Your possession, custody or  
2 control, or that are in the possession, custody or control of Your current or former predecessors,  
3 successors, parents, subsidiaries, divisions, affiliates, directors, officers, agents, managing agents,  
4 employees, attorneys, accountants, or other representatives without regard to the physical location  
5 of such Documents.

6           5.       You shall respond by first giving the question, followed by a response.

7           6.       Whenever used herein, the singular shall be deemed to include the plural and the  
8 plural shall be deemed to include the singular; the masculine shall be deemed to include the  
9 feminine, and the feminine shall be deemed to include the masculine; the disjunctive (“or”) shall be  
10 deemed to include the conjunctive (“and”) and the conjunctive (“and”) shall be deemed to include  
11 the disjunctive (“or”); and each of the functional words “each,” “every,” “any,” and “all” shall be  
12 deemed to include each of the other functional words.

13           7.       You shall produce the original of each document described below or, if the original  
14 is not in Your custody, then a copy thereof, and in any event, all non-identical copies which differ  
15 from the original or from the other copies produced for any reason, including, but not limited to,  
16 the making of notes thereon.

17           8.       Any alteration of a requested document, including any marginal notes, handwritten  
18 notes, underlining, date stamps, received stamps, endorsed or filed stamps, drafts, revisions,  
19 modifications and other versions of a final document, is a separate and distinct document and it  
20 should be produced.

21           9.       If production of a document is withheld pursuant to a claim of privilege, as to each  
22 such withheld document state the following information:

- 23           (a)       Which privilege is claimed;
- 24           (b)       A precise statement of the facts upon which said claim of privilege is based;
- 25           (c)       The following information describing each purportedly privileged  
26 Document: (i) its nature, e.g., agreement, letter, memorandum etc.; (ii) the date it was prepared;  
27 (iii) the date it bears; (iv) the date it was sent; (v) the date it was received; (vi) the identity of the  
28 person preparing it; (vii) the identity of the person sending it; (viii) the identity of each person to  
whom it was sent or was to have been sent, including all addressees and all recipients of copies;

1 (ix) a statement as to whom each identified person represented or purported to represent at all  
2 relevant times; (x) the general subject matter of the document; and

3 (d) A precise description of the place where each copy of that document is kept,  
4 including the title or description of the file in which said document may be found and the location  
5 of such file.

6 10. Any purportedly privileged document containing non-privileged material must be  
7 produced with the purportedly privileged portion redacted.

8 11. Whenever a document is not produced in full or is produced in redacted form, so  
9 indicate on the document and state with particularity the reason or reasons it is not being produced  
10 in full and describe to the best of Your knowledge, information and belief, and with as much  
11 particularity as possible, those portions of the document which are not being produced.

12 12. If You object to any of the definitions or instructions, state Your objection(s) in  
13 Your response and indicate whether You are complying with the direction or instruction in spite of  
14 Your objection. If Your objection goes to only part of a request, produce all documents which do  
15 not fall within the scope of Your objection.

16 13. If a document responsive to these Requests was at any time in Defendants'  
17 possession, custody or control but now is no longer available for production, as to each such  
18 document state the following information:

19 (a) Whether the document is missing or lost;

20 (b) Whether it has been destroyed;

21 (c) Whether the document has been transferred or delivered to another person or  
22 entity and, if so, at whose request;

23 (d) Whether the document has been otherwise disposed of; and

24 (e) A precise statement of the circumstances surrounding the disposition of the  
25 document and the date of the document's disposition.

26 14. The documents produced in response to these Requests should be segregated and  
27 clearly marked or labeled as to the specific Request to which such documents are responsive and  
28 are being produced. Otherwise, such documents shall be produced as they are kept in the usual

1 course of business, including a production of the files from which such documents are taken, along  
2 with all other documents residing in those files.

3 15. Documents not otherwise responsive to these Requests shall be produced if such  
4 documents mention, discuss, refer to or explain the documents which are called for by these  
5 Requests, or if such documents are attached to documents called for by these Requests and  
6 constitute routing slips, transmittal memoranda, letters, comments, evaluations or similar materials.

7 16. Without in any way limiting the definition of “document” contained in the Federal  
8 Rules of Civil Procedure or herein, You are specifically instructed to search all document  
9 management systems, computer archives, and/or backup tapes or disks for documents responsive to  
10 the following Requests, and production of such documents should be made regardless of whether  
11 such documents exist in tangible or “hard” copy form. Production is also sought regardless of  
12 whether the user purported to “delete” the document, if such document is capable of being  
13 retrieved from archives and/or backup tapes or disks.

14 17. If the requested documents are stored electronically or in a computer, please identify  
15 the location of each document, the computer program by which the document was created, the  
16 computer software program, if any, that compresses the document, and the configuration of the  
17 computer on which the document is found. As used herein, the term “configuration,” when used in  
18 reference to any computer, includes, but is not limited to, the following information: (1) computer  
19 type, brand, model and serial number; (2) brand and version of all software, including operating  
20 system, private and custom developed applications, commercial applications, shareware and/or  
21 work-in-progress; and (3) communications capability, including asynchronous and/or synchronous,  
22 and including, but not limited to, terminal to mainframe emulation, data download and/or upload  
23 capability to mainframe, and computer to computer connections via network, modem, and/or direct  
24 connect.

25 18. Unless otherwise indicated, all information requested is for the period from January  
26 19, 2014 (date of CFPB Notice of Charges) to the present (“Relevant Time Period”).  
27  
28



**DOCUMENT REQUESTS**

**REQUEST NO. 1:** All Documents and/or Communications concerning the CFPB Enforcement Action, including but not limited to, emails, memoranda, presentations, transcripts, internal communications, minutes of Board of Director meetings, analyses and/or reports.

**RESPONSE:**

**REQUEST NO. 2:** All Documents and/or Communications the CFPB produced to You in connection with the CFPB Enforcement Action, including but not limited to, the Documents provided to You by the CFPB on February 5, 2014 as an “electronic load file comprising approximately 21,000 documents (26 GB),” a copy of the “hard disk drive of third party documents comprising approximately 260 GB” produced to You by the CFPB on March 4, 2014, and copies of the “compact disks of relevant publicly available records and witness transcripts” produced to You by the CFPB on March 4, 2014. *See* 2014-CFPB-0002, Document 56, filed March 4, 2014.

**RESPONSE:**

**REQUEST NO. 3:** All Documents You produced to the CFPB in connection with the CFPB Enforcement Action.

**RESPONSE:**

**REQUEST NO. 4:** All Documents produced to You by any third-parties in connection with the CFPB Enforcement Action.

**RESPONSE:**

1 **REQUEST NO. 5:** Unredacted versions of all briefing; exhibits; transcripts; expert reports;  
2 expert, third party, or party deposition transcripts; or other documents filed or lodged in the CFPB  
3 Enforcement Action.

4 **RESPONSE:**

5  
6  
7 **REQUEST NO. 6:** An unredacted version of the final hearing transcript of the hearing of the  
8 CFPB Enforcement Action which commenced on March 24, 2014 and concluded on June 4, 2014.

9 **RESPONSE:**

10  
11  
12 **REQUEST NO. 7:** Unredacted versions of any sworn testimony, including deposition  
13 testimony, or witness statements given in connection with the CFPB Enforcement Action.

14 **RESPONSE:**

15  
16  
17 **REQUEST NO. 8:** All Documents You produced in response to the CFPB May 1, 2014  
18 subpoena (2014-CFPB-0002, Document 116-A) seeking production of “[a]ll communications  
19 between Respondents and any mortgage insurance company (including but not limited to  
20 communications between their respective officers, employees, representatives, agents, and  
21 counsel)” (2014-CFPB-002, Document 116-B) as pursuant to Administrative Law Judge Cameron  
22 Elliot’s May 15, 2014 order. 2014-CFPB-002, Document 143.

23 **RESPONSE:**

1 **REQUEST NO. 9:** For the time period of January 1, 2000 to present, all state and federal  
2 regulatory and rate filings Concerning mortgage insurance or reinsurance, including but not limited  
3 to filings with state insurance agencies and quasi-state agencies like Freddie Mac and Fannie Mae.

4 **RESPONSE:**

5  
6  
7  
8 Dated: July 30, 2015

Respectfully submitted,

9  
10 **KESSLER TOPAZ  
MELTZER & CHECK, LLP**

11 */s/ Edward W. Ciolko*

12 Edward W. Ciolko, Esq.  
13 Terence S. Ziegler, Esq.  
14 Donna Siegel Moffa, Esq.  
15 Amanda R. Trask, Esq.  
16 Natalie Lesser, Esq.  
280 King of Prussia Road  
Radnor, PA 19087  
Telephone: (610) 667-7706  
Facsimile: (610) 667-7056

17 **BRAMSON, PLUTZIK, MAHLER &  
BIRKHAUSER, LLP**

18 Alan R. Plutzik, Esq. (SBN 077785)  
2125 Oak Grove Blvd., Suite 120  
Walnut Creek, CA 94598  
19 Telephone: (925) 945-0770  
20 Facsimile: (925) 945-8792

21 **BERKE, BERKE & BERKE**

22 Ronald J. Berke, Esq.  
420 Frazier Avenue  
Chattanooga, TN 37402  
23 Telephone: (423) 266-5171  
Facsimile: (423) 265-5307

24 **TRAVIS & CALHOUN, P.C.**

25 Eric G. Calhoun, Esq.  
1000 Providence Towers East  
5001 Spring Valley Road  
26 Dallas, Texas 75244  
Telephone: (972) 934-4100  
Facsimile: (972) 934-4101

27 *Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on July 30, 2015, I caused a true and correct copy of Plaintiffs' Third Set of Requests for Production of Documents to Defendants PHH Corp., PHH Mortgage Corp., PHH Home Loans, LLC and Atrium Insurance Corp. to be served by electronic mail upon all counsel of record.

*/s/ Edward W. Ciolko*  
*Edward W. Ciolko*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

## APPENDIX 1

### **(Plaintiffs' Requested Electronically Stored Information Production Format)**

All references to "documents" in any of Plaintiffs' requests or in the Federal Rules of Civil Procedure shall be interpreted to include electronically stored information ("ESI"). ESI includes all types of computer-based information and electronic information stored in any medium.

As used in these appendices, terms shall have the same meaning as used in the Federal Rules of Civil Procedure. The responding party shall disclose and produce all responsive ESI as it is kept in the usual course of business or must label all responsive ESI to correspond to the categories in the relevant discovery request or disclosure. Any document or ESI produced as a result of Plaintiffs' requests will meet any authenticity requirements of the court.

Plaintiffs request that the responding party disclose and/or produce all ESI that is relevant, not privileged, and reasonably accessible. The responding party must also identify, by category or type, the sources containing potentially responsive information that it is neither searching nor producing. The identification should, to the extent possible, provide enough detail to enable Plaintiffs to evaluate the burdens and costs of providing the discovery and the likelihood of finding responsive information on the identified sources. However, the responding party's identification of sources of ESI as not reasonably accessible does not relieve the party of its common-law or statutory duties to preserve evidence.

**Production Format:** Pursuant to Federal Rule of Civil Procedure 34(b)(1)(C), a Plaintiff may specify the form or forms in which electronically stored information ("ESI") is to be produced. As such, Plaintiffs request that all ESI be produced in the following agreed upon format: (1) Images: all documents not specifically excepted below should be produced as single page Group 4 TIFF images with OCR (Extracted Text) and associated Metadata fields, as specified in Appendix 3. Excel files, CSV files, PowerPoint and/or any proprietary files should be produced in Native format, not TIFF or PDF. Proprietary files requiring fee-based or proprietary platforms to access must be produced in a readily accessible, manipulable format. Links to Native files should also be provided. By producing ESI in this format, the parties here agree that they are not waiving any right they may have under the Federal Rules of Civil

Procedure to request Native files for a reasonable number of additional, specified files in the future. (2) Load File: Database Load File with a .Dii extension. Text and Images should be contained in the same directory. Date and Time should be in separate fields. (3) OCR (Extracted Text): Multi-page OCR or Single page OCR is acceptable, in ASCII/ANSI format. (4) Bates Number/Control Number: Do not use Symbols or Spaces in the naming convention. Using an Underscore, however, is acceptable. (5) E-mail: E-mail should be produced in electronic form in a manner that preserves the relationship between each e-mail and all of its attachments. Any attachments to an e-mail should be produced as stated above at number (1). Information from each e-mail header field should be produced in an associated metadata file.

**Deduplication:** Each responsive document need only be produced once. The producing party should apply global deduplication to responsive ESI based on MD5 Hash values or an equivalent deduplication key. Email should be deduplicated by family, not on an individual basis. Lesser, inclusive emails chains should be deduplicated, provided that any attachments sent at any point in the email string are produced with the inclusive version of the email. Additionally, to the extent reasonably accessible, all custodians of removed duplicates should be listed in an “All Custodians” field and identified by full name of the individual or departmental custodian. Stand-alone documents may be deduplicated against email attachments provided that the email attachment is the duplicate that is produced and the custodian(s) of the removed duplicate(s) are entered into the All Custodian field. All natives, even deduplicated versions should be retained in a format readily accessible to be produced upon request.

**Unitization:** In all ESI productions, all available information about unitization (including the production number of the first and last page of each document), information about attachments (including information sufficient to identify the parent and child relationships of all documents and ESI that are or have attachments) and information about hyperlinked fields should be provided. As such, individual documents should be produced as individual records. Unless a production of documents/ESI can be made on a single DVD, Plaintiffs request that the production be made on one or more hard drives.

The key concepts are explained below.

1. **Native:** the format in which the electronically stored information was originally created (*e.g.*, Microsoft Word, Microsoft Excel, Microsoft Access, PeopleSoft) and as it is kept in the ordinary course of business. A file path to the native file shall be provided in the metadata file as described in more detail below. Native documents should not have Bates Numbers or similar identifiers added but will be identified by corresponding placeholder images which indicate that the document is being produced in Native format and which reflect the Bates Number.
  
2. **Imaged:** a TIFF image converted from the native file as it was originally created.
  - a. All images may be in black-and-white format, unless otherwise requested.
  - b. Bates numbers shall be branded to the images so that the numbers print on the bottom right corner of the document or in a location that does not unreasonably obliterate or obscure any information from the source document.
  - c. Images shall be single-page Group 4 TIFFs - one TIFF file for each page (not multi-page TIFFs or one TIFF file for document) at 300 dpi.
  - d. Each image will bear any applicable confidentiality language pursuant to the parties' protective order on the bottom right corner of the document.
  
3. **Image Load File:** A load file in a DII standard load format which provides:
  - a. the document number for each image;
  - b. all available information regarding unitization (including the production number of the first and last page of each document)
  - c. the relative path name(s) of each TIFF that represents an image;
  - d. all available information regarding attachments (including information sufficient to identify the parent and child relationships of all documents and ESI that are or have attachments);
  - e. the document boundaries for each document or family member grouping consisting of the following:

- i. Each record, including the last record, should be terminated with a hard return or line feed pair;
- ii. The following represents the format of a standard DII load file:

DII Files:

*E-Form:*

```
@FULLTEXT DOC
; Record 1
@T TOS00131253
@C BATESBEG TOS00131253
@C BATESEND TOS00131253
@C PARENTID
@C ATTCHID
@D @I\TOS_VOL_022\IMAGES\001\
TOS00131253.tif
```

4. **OCR Text File:** An OCR text file which corresponds to each imaged document shall be provided as follows:
  - a. One OCR text file for each imaged document or one OCR text file for each imaged page;
  - b. The OCR file name should be identical as the name of the image file, except followed by .txt.
  - c. OCR text located in the same directory as the images;
  - d. OCR text files should be in ASCII/ANSI format;
  - e. Lines and breaks in the original imaged document should be preserved and lines should be separated by line feeds or CR-LF pairs; and
5. **Associated Metadata File:** a file shall be provided that extracts metadata in a load file, and also includes a file path link to any native files. The fielded data should adhere to the following parameters where possible:
  - a. Avoid escape characters, hard return/line feed combinations, tabs, embedded separators and embedded hard returns in all fielded data;
  - b. Bates number fields cannot contain spaces;
  - c. Data files should use standard Concordance delimiters (020¶ ,254p);





## APPENDIX 2

### (ESI Guidelines)

These Guidelines are intended solely to facilitate the production of ESI ("electronically stored information") pursuant to the Federal Rules of Civil Procedure, to avoid misunderstandings concerning ESI, and to highlight good-faith disagreements about ESI so that they may be promptly resolved. They are not intended to expand (or contract) counsel's obligations under the Federal Rules of Civil Procedure or applicable local rules or court orders.

1. **What ESI Is.** ESI includes but is not limited to: e-mail; text messaging (corporate and internet based); voice messaging systems; electronic files stored on servers or mobile servers, (*i.e.*, the "cloud"), desktops, laptops, other removable media, smart phones and tablets; and electronic data stored in databases.
2. **E-mail Collection.** During collection of e-mail the complete mailbox should be captured. This includes sent folders, deleted folders, archived folders, and all other folder structures within a mailbox.
3. **Purging Systems.** "Self-purging" or "sweep-and-keep" policies are often implemented on an organization's e-mail system. A self-purging system automatically deletes email messages located in specific folders after a certain number of days. Sweep-and-keep systems collect and retain all incoming or outgoing e-mail, regardless of content. Self-purging systems should be deactivated if they are in violation of the litigation hold. Sweep-and-keep systems need not be deactivated, but steps should be taken to ensure that the "swept and kept" email is collected as part of the collection of e-mail generally.
4. **Locations of ESI.** All network servers and mobile servers, hard drives on desktops and laptops, removable media (*e.g.*, hand held devices, iPods, tablets, thumb or flash drives, external hard drives, tape, CD or DVD), and smart phones (*e.g.*, iPhones, Androids, Blackberries) containing ESI should be considered during collection. In addition, counsel should not overlook these locations for ESI:
  - **Remote Locations.** Branch, satellite, or subsidiary offices.
  - **Internal Websites.** Often organizations implement internal or intranet websites, which, of course, contain ESI.

- **Third Party Storage.** Off-site or third-party data storage either in physical removable media or real-time data hosting/archive (*e.g.*, e-mail archival services provided by ZANT AZ, Inc. or Iron Mountain Incorporated).
- **Mobile Servers.** Cloud Computing services (*e.g.*, data storage or software usage), provided internally or by a third party.
- **Personal Computers.** Employees' or contractors' personal computers often contain ESI.
- **Former Employees.** ESI from transferred or *past* employees may have been moved from a shared location to a separate employee archive location.
- **Old Systems.** Decommissioned or old computer systems no longer in use may contain ESI and should also be considered during collection.
- **Deleted ESI.** Any responsive, reasonably accessible, non-privileged ESI that has been deleted and sent to the equivalent of a Microsoft Windows “recycle bin,” and any responsive, reasonably accessible, non-privileged ESI that has been deleted and sent to unallocated space, but remains recoverable.

### APPENDIX 3

(Requested Metadata Fields)

Field Name	Example/Format	Description
BEGBATES	ABC00000001 (Unique ID)	The Document ID Number associated with the first page of the document.
ENDBATES	ABC00000003 (Unique ID)	The Document ID Number associated with the last page of the document.
BEGATTACH	ABC00000001 (Unique ID Parent-Child Relationships)	The Document ID Number associated with the first page of the parent document.
ENDATTACH	ABC00000008 (Unique ID Parent-Child Relationships)	The Document ID Number associated with the last page of the last attachment.
PAGES	3 (Numeric)	The number of pages for a document.
VOLUME	VOL001	The name of CD, DVD or Hard Drive (vendor assigns).
RECORDTYPE	Options: e-mail, attachment, hard copy, loose e-file	The record type of a document.
DESIGNATION	Confidential, Highly Confidential, etc.	Please populate this field for all documents that carry a confidentiality designation, separate and apart from the stamping of produced TIFFs. If the document is only provided in native, this field would be populated with the designation the native file should have if printed.
SENTDATE	MM/DD/YYYY	The date the email was sent.
SENTTIME	HH:MM	The time the email was sent.
CREATEDDATE	MM/DD/YYYY	The date the document was created.
CREATETIME	HH:MM	The time the document was created.
LASTMODDATE	MM/DD/YYYY	The date the document was last modified.
LASTMODTIME	HH:MM	The time the document was last modified.
RECEIVEDDATE	MM/DD/YYYY	The date the document was received.
RECEIVEDTIME	HH:MM	The time the document was received.
TIMEZONE PROCESSED	PST, CST, EST, etc.	The time zone the document was processed in. NOTE: This should be the time zone where the documents were located at the time of collection.
FILEPATH	i.e. John Smith/E-mail/Inbox	Location of the original document. The source should be the start of the relative path.
AUTHOR	jsmith	The author of a document from extracted metadata.
LASTEDITEDBY	jsmith	The name of the last person to edit the document from extracted metadata.
FROM	John Smith <jsmith@email.com>	The display name and e-mail of the author of an e-mail. If only e-mail is given, then just list the e-mail addresses. An e-mail address should always be provided for every document.
TO	John Smith <jsmith@email.com>; tjones@email.com	The display name and e-mail of the recipient(s) of an e-mail. If only e-mail is given, then just list the e-mail addresses. An e-mail address should always be provided for every document.
CC	John Smith <jsmith@email.com>; tjones@email.com	The display name and e-mail of the copyee(s) of an e-mail. If only e-mail is given, then just list the e-mail addresses. An e-mail address should always be provided for every document.
BCC	John Smith <jsmith@email.com>; tjones@email.com	The display name and e-mail of the blind copyee(s) of an e-mail. If only e-mail is given, then just list the e-mail addresses. An e-mail address should always be provided for every document.
SUBJECT		The subject line of an email.
DOCTITLE		The extracted document title of a document.
IMPORTANCE	0 or 1 or 2	E-mail Importance Flag (0 = Normal, 1 = Low Importance, 2 = High Importance)
CUSTODIAN		The custodian/source of a document. NOTE: If the documents are de-duped on a global level, this field should contain the name of each custodian from which the document originated.
ALL CUSTODIANS	John Smith; Tim Jones; Finance Department	The list of custodians, either individual or departmental, who held duplicates of this document that have been deleted due to deduplication.
ATTACH COUNT	Numeric	The number of attachments to a document.

FILEEXT	XLS	The file extension of a document.
FILENAME	Document Name.xls	The file name of a document.
FILESIZE	Numeric	The file size of a document (including imbedded attachments).
MD5HASH (or equivalent)		The MD5 Hash value or "de-duplication key" assigned to a document.
EMAIL CONVERSATION INDEX		ID used to tie together e-mail threads.
NATIVELINK	D:\NATIVES\ABC00000001.xls	The relative path to a native copy of a document.