

1 Mark C. Hansen
 mhansen@khhte.com
 2 David L. Schwarz (206257)
 dschwarz@khhte.com
 3 Kevin J. Miller (*pro hac vice*)
 kmiller@khhte.com
 4 Andrew C. Shen (*pro hac vice*)
 ashen@khhte.com
 5 KELLOGG, HUBER, HANSEN, TODD,
 EVANS & FIGEL, P.L.L.C.
 6 1615 M Street, N.W., Suite 400
 Washington, D.C. 20036
 7 Telephone: (202) 326-7900
 Facsimile: (202) 326-7999
 8

9 R. Alexander Saveri (173102)
 rick@saveri.com
 Geoffrey C. Rushing (126910)
 grushing@saveri.com
 10 SAVERI & SAVERI, INC.
 11 706 Sansome Street
 San Francisco, CA 94111-5619
 12 Telephone: (415) 217-6810
 Facsimile: (415) 217-6813
 13

Attorneys for Plaintiff Louisiana Pacific Corporation

14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**
 16 **SAN FRANCISCO DIVISION**

18 LOUISIANA PACIFIC CORPORATION,)
 19 Plaintiff,)
 20 vs.)

21 MONEY MARKET 1 INSTITUTIONAL)
 22 INVESTMENT DEALER, MERRILL LYNCH)
 & CO., INC., MERRILL LYNCH, PIERCE,)
 23 FENNER & SMITH INCORPORATED, AND)
 DEUTSCHE BANK SECURITIES INC.,)
 24 Defendants,)

Case No. C 09 03529 JSW
**Stipulation and [Proposed] Order
 Regarding Document Production**

JUDGE: Hon. Jeffrey White

Ctrm: 11
 Judge: Hon. Jeffrey S. White

DEMAND FOR JURY TRIAL

1 It is hereby stipulated and agreed, by and among plaintiff Louisiana Pacific Corporation
2 (“LP”), and defendant Deutsche Bank Securities Inc. (“DBSI”) that the Court should, for good
3 cause shown, enter the following Order regarding the form of document production in this matter.
4 Defendant Money Market 1 Institutional Investment Dealer (“MM1”) has filed for Chapter 7
5 bankruptcy protection. Accordingly, LP and DBSI understand that all proceedings against MM1
6 have been stayed. Together, LP and DBSI, as well as their officers, directors, employees and
7 agents (including, without limitation, their legal counsel), are hereinafter referred to as the
8 “Parties.” The agreements set forth herein are without prejudice to the rights of the parties to
9 request additional information or documents, in any form, or to raise any objections as to the
10 production of any documents or information that may be described herein. Nothing in this
11 protocol shall be construed to imply that any such documents or information are relevant and
12 responsive, nor shall it be interpreted as an agreement to produce such documents or information,
13 should they exist.

14 **A. Search Terms and Custodians**

15 The Parties agree to meet and confer in good faith regarding (1) the search terms, if any,
16 that each Party will use to identify potentially responsive information or documents for
17 production; (2) the individual custodians that each Party will search for potentially responsive
18 information or documents; and (3) each Party’s databases or shared drives that may contain
19 responsive information or documents.
20

21 **B. Electronically Stored Information (“ESI”).**

22 ESI shall be provided in the following format:

- 23 1. TIFFs. Single-page 300 dpi CCITT Group IV black and white TIFFs shall be
24 provided. If required for legibility, color documents should be produced if
25 possible. The Parties will accommodate reasonable requests for production of
26 specific images in color. The parties reserve the right to discuss allocation of costs
27 in the event that the production of color documents becomes unduly costly and/or
28 burdensome.
2. Database Load Files/Cross-Reference Files. Documents shall be provided with
(1) a Concordance delimited load file(s) and (2) an Opticon delimited cross-
reference file(s) showing document breaks.

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

Example of Concordance Delimited File:

 PRODBEG  PRODEND  PRODBEGATT  PRODENDATT 

Example of Opticon Delimited File:

BATES000001,BATES001,D:\IMAGES\001\BATES000001.TIF,Y,,,3
BATES000002,BATES001,D:\IMAGES\001\BATES000002.TIF,,,,,
BATES000003,BATES001,D:\IMAGES\001\BATES000003.TIF,,,,,
BATES000004,BATES001,D:\IMAGES\001\BATES000004.TIF,Y,,,2
BATES000005,BATES001,D:\IMAGES\001\BATES000005.TIF,,,,,

- 3. Unique IDs. Each TIFF image shall have a unique file name which will be the Bates number of that page (e.g., BATES000001.TIF). The Bates number must appear on the face of the image (e.g., BATES000001).
- 4. Text Files. For each document, a document-level text file shall be provided. The text of ESI shall be extracted directly from the native file and each text file will be named for the beginning Bates number of its corresponding document (e.g., BATES000001.TXT). A party will not be required to produce an extracted text file for a redacted document, but for each such document for which the producing Party possesses OCR, a document-level text file shall be provided.
- 5. Unique Documents. A Party is only required to produce a single copy of a responsive document. A Party may deduplicate responsive ESI (based on MD5 or SHA-1 hash values). E-mail will be deduplicated by family, not on a document level. In addition, to the extent reasonably accessible, all custodians of deduplicated items will be listed in the ‘‘All Custodian’’ field. Where available, custodians will be identified using first and last names. Entity/departmental custodians will be identified with an identifier of the entity or department. A producing Party will reasonably attempt to use a uniform description of a particular custodian across productions. The Parties may deduplicate stand-alone electronic documents against e-mail attachments using the calculated MD5 or SHA-1 Hash Code of each document. For deduplication of this type, the attachment to the e-mail must be the document that is produced.

Multiple custodians in the ‘‘All Custodian’’ field will be separated by a semicolon.

1 6. Metadata Fields. The following metadata shall be provided within the
2 Concordance delimited file described above for each document to the extent
3 reasonably accessible:

4 BegBates
5 EndBates
6 Parent-Child Relationships (attachment information)
7 File Extension
8 Filename
9 Native Path (path to native file on production media)
10 Text Path (path to the text file on production media)
11 Custodian
12 All Custodian

13 Additionally, for e-mails, the following metadata shall be provided:

14 To
15 From
16 CC
17 BCC
18 Date Sent
19 Time Sent, by minute
20 Subject

21 Additionally, for email attachments and loose files, the following metadata shall be
22 provided:

23 Create Date
24 Last Modified Date
25 Author

26 7. Additional Metadata. Should additional metadata (such as the original file path of
27 documents) exist that if provided would significantly aid a receiving Party in
28 understanding or using the documents, upon reasonable request, the producing
29 Party shall not unreasonably withhold such metadata.

30 8. Native Form. Microsoft Excel and Audio and Video files (whether attached to
31 emails or loose files) will be produced in native form, although redacted Microsoft
32 Excel files need not be produced in native form in the first instance. The parties
33 shall meet and confer in good faith regarding the format of production for any
34 redacted Microsoft Excel files. The Parties further agree that Microsoft
35 Powerpoint documents need not be produced in native form in the first instance,
36 however, all embedded notes shall be produced. The Parties shall not
37 unreasonably refuse a request for the production of any document in native form to
38 the extent a document is provided in a form other than native. For documents
39 produced in native format, the document will be named with the Bates number as
40 the file name, and any Confidentiality designation will be indicated in the TIFF
41 placeholder image.

1 Native Files will be produced with a placeholder slip sheet stating “File Produced
2 in Native Format.” The path to the native file on the production media will be
3 provided in the DAT file.

- 4 9. Database. Certain types of databases kept in the normal course of business contain
5 information that allows for analysis and computation. Should there be relevant,
6 responsive and non-privileged information in such databases, the parties will
7 discuss appropriate procedures and methods of production including possible
8 allocation of costs.

9 **C. Hard-Copy Documents.**

10 Hard-copy documents shall be provided in the following format:

- 11 1. TIFFs. Single page 300dpi CCITT Group IV black and white TIFFs shall be
12 provided. The Parties will accommodate reasonable requests for production of
13 specific images in color. If required for legibility, color documents should be
14 produced if possible. The parties reserve the right to discuss allocation of costs in
15 the event that the production of color documents becomes costly and/or unduly
16 burdensome.
- 17 2. Database Load Files/Cross-Reference Files. Documents shall be provided with
18 (1) a Concordance delimited load file(s) and (2) an Opticon delimited cross-
19 reference file(s) showing document breaks.

20 Example of Concordance Delimited File:

21 PRODBEGPRODENDPRODBEGATTPRODENDATT

22 Example of Opticon Delimited File:

23 BATES000001,BATES001,D:\IMAGES\001\BATES000001.TIF,Y,,,3
24 BATES000002,BATES001,D:\IMAGES\001\BATES000002.TIF,,,,,
25 BATES000003,BATES001,D:\IMAGES\001\BATES000003.TIF,,,,,
26 BATES000004,BATES001,D:\IMAGES\001\BATES000004.TIF,Y,,,2
27 BATES000005,BATES001,D:\IMAGES\001\BATES000005.TIF,,,,,

- 28 3. Unique IDs. Each image shall have a unique file name which will be the Bates
number of that page (e.g., BATES000001.TIFF). The Bates number must appear
on the face of the image (e.g., BATES000001) With the exception of paragraph F,
the prefix of the Bates number must be consistent for every custodian throughout
the production.
4. OCR. For each document for which the producing Party possesses OCR, a
document-level text file with page breaks shall be provided. Each file will be
named for the beginning Bates number of its corresponding document (e.g.,
BATES000001.TXT). With respect to documents containing redacted text, OCR
files will be provided for the redacted version of the document.

1 5. Unitizing of Documents. When scanning paper documents, the Parties shall
2 undertake best efforts to ensure that distinct documents are not merged into a
3 single record, and single documents are not split into multiple records (*i.e.*, the
4 Parties shall attempt to logically unitize scanned hard copy documents).

5 6. The parties shall identify, to the extent possible, the custodian of each document.

6 D. **Production Media.**

7 Documents will be produced on CD-ROM or DVD discs or on external hard drives.

8 E. **Metadata Format.**

9 Electronic file metadata, to the extent reasonably available, shall be provided in the
10 following format:

11 1. Standard Concordance delimiters should be used for load files: field delimiter
12 (Code 20), text qualifier (Code 254), and newline (Code 174);

13 2. The first line shall contain electronic file metadata headers and below the first line
14 there shall be exactly one line for each document;

15 3. Multi-values shall be separated by a semicolon (;); and\
16

17 4. All files containing non-Western characters shall be provided in Unicode-
18 compliant form.

19 F. **Parties to Confer in Good Faith.**

20 The Parties agree to confer in good faith about disputes regarding the form of document
21 production, including resolution of issues not addressed by this stipulation.
22
23
24
25
26
27
28

1 STIPULATED BY:
2
3

4 Dated: March 12, 2012

**KELLOGG, HUBER, HANSEN, TODD, EVANS &
FIGEL, P.L.L.C.**

MARK C. HANSEN

DAVID L. SCHWARZ

KEVIN J. MILLER

ANDREW C. SHEN

1615 M. Street NW, Suite 400

Washington, DC 20036-3209

Tel: (202) 326-7900

Fax: (202) 326-7999

/s/ Andrew C. Shen

ANDREW C. SHEN

Attorneys for Plaintiff

Louisiana Pacific Corporation

11
12
13 Dated: March 12, 2012

MORGAN, LEWIS & BOCKIUS

CHRISTIAN J. MIXTER

1111 Pennsylvania Ave., NW

Washington, DC 20004-2541

Tel: (202) 739-3000

Fax: (202) 739-3001

/s/ Christian J. Mixter

CHRISTIAN J. MIXTER

Attorneys for Defendant

Deutsche Bank Securities, Inc.


14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

ORDER

Good cause appearing therefore, IT IS HEREBY ORDERED that the Stipulation Regarding Document Production is entered in this case.

Dated: April 3, 2012



Honorable Jeffrey White
United States District Court Judge