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FILED
OCT 14 2015
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL RODMAN, On Behalf of Himself)
and All Others Similarly situated,)

Plaintiff,)

vs.)

SAFEWAY, INC.,)

Defendant.)

Case No.: 3:11-cv-03003 JST (JCS)
PROPOSED ORDER REGARDING
DOCUMENT SEARCH PROTOCOLS

Judge: Hon. Jon S. Tigar

H0048542.

1 The Court, having considered having considered the parties' respective submissions
2 concerning document search protocols, hereby ORDERS that Defendant Safeway, Inc. shall
3 perform the following searches and comply with the following protocols:
4

5 **A. Date Restrictions**

6 Documents searched and produced should be those created prior to 2006 (*i.e.*,
7 DateCreated:<2006).

8 **B. Search Terms and Folder Paths**

9
10 The folder paths for initial searches are:

- 11 1. Public\Marketing\Creative
- 12 2. Public\Marketing\Reports
- 13 3. Marketing
- 14 4. Finance\Finance\Analyses\Various Analysis\2004 and prior\Burd Analysis\Web
15 site
- 16 5. Public\Operations\Reports\Online campaign tracker\2006\2006 Reports\archive

17 **Searches for folder paths 1, 2 and 3** ("Public\Marketing\Creative,"
18 "Public\Marketing\Reports," and "Marketing"):

19 *Falsken*
20 *Warr
21 *Hoopes
22 *Popejoy AND check
23 *Popejoy AND box
24 "Product Pricing" AND "Service Charges"
25 "Special Terms"
26 "click to read"
27 *Prospecting/Reg*
28 Groceryworks AND Terms
"create my account"
Register
Registration
Registration AND page
terms AND conditions
check AND box
vS071802.1

1 **Searches for folder path 4** (“Finance\Finance\Analyses\Various Analysis\2004 and
2 prior\Burd Analysis\Web site”):

3 “Product Pricing” AND “Service Charges”
4 “click to read”
5 “create my account”
6 Register
7 Registration
8 Registration AND page
9 terms AND conditions
10 check AND box
11 vS071802.1
12 *Falsken*
13 *Warr
14 *Popejoy

15 **Searches for folder path 5** (“Public\Operations\Reports\Online campaign
16 tracker\2006\2006 Reports\archive”):

17 *Falsken*
18 *Warr
19 “Product Pricing” AND “Service Charges”
20 “Special Terms”
21 “click to read”
22 *Prospecting/Reg*
23 “create my account”
24 Register
25 Registration
26 Registration AND page
27 terms AND conditions
28 check AND box
29 vS071802.1

30 **C. Manually Searches**

31 Safeway shall manually search the following sub-folders to the extent they contain fewer
32 than 100 documents:

33 Public\Marketing\Creative\Old Site Design
34 Public \Marketing\Creative\Old Site Design\site design\
35 Public\Marketing\Creative\Old Site Design\site design\Registration
36 Public\Marketing\Creative\Old Site Design\site design\Registration V1

1 Public\Marketing\Creative\Old Site Design\site design\Registration
V1\registration_v1
2 Public\Marketing\Creative\ForBrian
3 Public\Marketing\Creative\ForBrian\File Backup\Other\Site Tutorial
4 Public\Marketing\Creative\ForBrian\Screen Grabs for Site Tutorial
5 Public\Marketing\Creative\SiteTutorial
6 Public\Marketing\Creative\SiteTutorial\SiteTutorialOld
7 Public\Marketing\Creative\SiteTutorial\previous
8 Public\Marketing\Creative\Safeway Login\images
9 Public\Marketing\Creative\Safeway Login\old versions
10 Public\Marketing\Creative\Safeway Login\screenshots
11 Public\Marketing\Reports\Online campaign tracker\2006\2006 Reports_archive
12 Public\Marketing\Reports\Online campaign tracker\2006\2006
13 Reports_archive\ONLINE_archive\SWEEPS\SWY 1004 DelTHolSweeps
14 Public\Marketing\Consumer Insights\Historics\CONSUMER INSIGHTS -
15 Previous Director's Files (2005-2006)\Site cleanup\Customer Help\FAQ
16 Marketing\01. WEBSITE PROJECTS
17 Marketing\01. WEBSITE PROJECTS\03. Reg Lite
18 Marketing\01. WEBSITE PROJECTS\05. Shopping History\01. Screen Shots
19 Marketing\Creative\Safeway.com\Safeway.net redesign
20 Finance\Finance\Analyses\Various Analysis\2004 and prior\Burd Analysis\Web
21 site
22 Finance\accounting\revised 2002 plan
23 Public\Operations\Reports\Online campaign tracker\2006\2006
24 Reports\archive\Individual Ad Hos requests & Reports\David Pope-Joy
25 Public\Operations\Reports\Online campaign tracker\2006\2006
26 Reports\archive\Individual Ad Hos requests & Reports\Chris Wolford
27 Public\Operations\Reports\Online campaign tracker\2006\2006
28 Reports\archive\Individual Ad Hos requests & Reports\NEW SITE_archive

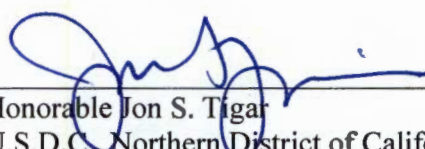
D. Production Protocols

- a. Documents shall be produced in TIFF format with all metadata and a
Concordance load file on a rolling basis but not later than October 26. Safeway
shall notify Plaintiff ~~at the earliest possible moment~~ if it cannot meet the deadline

immediately (JST)
this

- 1 b. Safeway shall produce documents in native format upon Plaintiffs request. (shall) (TSC)
- 2 c. If searches are performed in-house, Safeway shall make a good faith effort to
- 3 index the folders to be searched prior to running searches. Safeway shall also
- 4 use its most powerful available equipment, but at a minimum ensure that a
- 5 computer with at least a dual-core processor with a speed of 2.5GHz or greater,
- 6 and not less than 8GB of RAM power is used to perform the searches. Safeway
- 7 shall advise Plaintiff whether folders to be searched have been indexed (and, if
- 8 not, why not), and the speed/capacity of the computer(s) Safeway intends to use.
- 9 d. At a minimum, Safeway shall use different computers to run searches on the four
- 10 different folder paths so the searches can be run simultaneously.
- 11 e. If any individual search takes longer than 5 hours to run or crashes the system,
- 12 Safeway shall immediately notify Plaintiff and the parties shall meet and confer
- 13 (with IT experts) about that search term and the reasons for the crash.
- 14 Simultaneously with the meet-and-confer process, Safeway shall run the searches
- 15 on any sub-folders listed in Section C above that are in the same folder path for
- 16 which the search caused the system to crash or take more than 5 hours.
- 17 f. If any individual search (limited by date) results in greater than 2,500 documents,
- 18 Safeway shall immediately notify Plaintiff, provide a list of the document names
- 19 (if less than 7,500), and the parties shall meet and confer within 24 hours about
- 20 potential means to reduce the number of documents and/or narrow the search
- 21 term. Simultaneously with the meet-and-confer process, Safeway shall run the
- 22 searches on any sub-folders listed in Section C above that are in the same folder
- 23 path for which the search resulted in greater than 2,500 documents.
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Dated: 10/14, 2015


Honorable Jon S. Tigar
U.S.D.C., Northern District of California