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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Keith Thomas, et al.,)	
)	Case Number: 3:14-cv-01160-JST
)	
Plaintiff(s),)	STIPULATED ORDER RE: DISCOVERY
)	OF ELECTRONICALLY STORED
vs.)	INFORMATION FOR STANDARD
)	LITIGATION
Magnachip Semiconductor Corp., et al.,)	
)	
Defendant(s).)	

1. PURPOSE

This Order will govern discovery of electronically stored information (“ESI”) in this case as a supplement to the Federal Rules of Civil Procedure, this Court’s Guidelines for the Discovery of Electronically Stored Information, and any other applicable orders and rules.

2. COOPERATION

The parties are aware of the importance the Court places on cooperation and commit to cooperate in good faith throughout the matter consistent with this Court’s Guidelines for the Discovery of ESI.

3. LIAISON

The parties have identified liaisons to each other who are and will be knowledgeable about and responsible for discussing their respective ESI. Each e-discovery liaison will be, or have access to those who are, knowledgeable about the technical aspects of e-discovery, including the location, nature, accessibility, format, collection, search methodologies, and production of ESI in this matter. The parties will rely on the liaisons, as needed, to confer about ESI and to help resolve disputes without court intervention.

1 **4. PRESERVATION**

2 The parties have discussed their preservation obligations and needs and agree that
3 preservation of potentially relevant ESI will be reasonable and proportionate. The parties
4 agree to preserve all relevant documents.

5 **5. SEARCH**

6 The parties agree that in responding to an initial Fed. R. Civ. P. 34 request, or earlier if
7 appropriate, they will meet and confer about methods to search ESI in order to identify ESI
8 that is subject to production in discovery and filter out ESI that is not subject to discovery.

9 **6. PRODUCTION FORMATS**

10 The parties agree to produce documents in PDF, TIFF, native and/or paper
11 file formats. If particular documents warrant a different format, the parties will cooperate to
12 arrange for the mutually acceptable production of such documents. The parties agree not to
13 degrade the searchability of documents as part of the document production process.

14 **7. PHASING**

15 The Parties agree that any rolling production shall commence on the date the response
16 is due under Fed. R. Civ. P. 34. The Parties shall use reasonable efforts to substantially
17 complete document production within forty-five (45) days thereafter, and such production shall
18 be substantially completed no later than ninety (90) days thereafter.

19 **8. DOCUMENTS PROTECTED FROM DISCOVERY**

- 20 a) Pursuant to Fed. R. Evid. 502(b), the inadvertent production of a privileged or
21 work-product-protected document is not a waiver of privilege or protection from
22 discovery in this case or in any other federal or state proceeding.
23 b) Communications involving trial counsel that post-date the filing of the complaint
24 need not be placed on a privilege log. Communications may be identified on a
25 privilege log by category, rather than individually, if appropriate.

26 **9. MODIFICATION**

27 This Stipulated Order may be modified by a Stipulated Order of the parties or by the
28 Court for good cause shown.

IT IS SO STIPULATED, through Counsel of Record.

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Dated: /s/ Joshua B. Silverman
Counsel for Plaintiff

Dated: /s/ John C. Murphy
Counsel for Defendant Avenue Capital Management II

IT IS ORDERED that the forgoing Agreement is approved.

Dated: April 13, 2016


UNITED STATES DISTRICT JUDGE