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

18 FAITH BAUTISTA, Individually and on
 Behalf of All Others Similarly Situated,
 19 Plaintiff,
 20 v.
 21 VALERO ENERGY CORPORATION, CST
 22 BRANDS, INC., VALERO MARKETING
 AND SUPPLY COMPANY, CST
 23 MARKETING AND SUPPLY COMPANY
 24 Defendants.

) Case No. 3:15-cv-05557-RS
)
) CLASS ACTION
)
) STIPULATED ORDER RE: DISCOVERY
) OF ELECTRONICALLY STORED
) INFORMATION

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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 shall, within five (5) days of the filing of this Stipulation, identify 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.

4. PRESERVATION

The parties shall, within twenty-eight (28) days of the filing of this Stipulation, discuss their preservation obligations and needs and agree that preservation of potentially relevant ESI will be reasonable and proportionate. To reduce the costs and burdens of preservation and to ensure proper ESI is preserved, the parties agree that:

(a) Only ESI created or received since December 4, 2011 will be preserved;

(b) The parties shall, within twenty-eight (28) days of the filing of this Stipulation, exchange a list of the types of ESI, sources of custodial and noncustodial data, and the custodians, or general job titles or descriptions of custodians, *e.g.*, “HR head,” “scientist,” and “marketing manager”, for whom they believe ESI should be preserved. The parties shall meet and confer in order to add or remove sources or custodians as reasonably necessary;

(c) These data sources may contain relevant information but are not reasonably accessible because of undue burden or cost pursuant to Fed. R. Civ. P. 26(b)(2)(B) and ESI from

1 these sources will be preserved but not searched, reviewed, or produced in the first instance:
2 voicemail.

3 **5. SEARCH**

4 The parties shall, within twenty-eight (28) days of filing of this Stipulation, meet and confer
5 about methods and parameters to search ESI responsive to any Fed. R. Civ. P. 34 requests in order to
6 identify ESI that is subject to production in discovery, and to filter out ESI that is not subject to
7 discovery. In order to come to an informed agreement on search methods and search parameters, the
8 parties agree to exchange information regarding the topics addressed in the N.D. Cal. ESI Guidelines
9 and Checklist, including but not limited to, the identification and description of custodians, custodial
10 and noncustodial sources and systems (including relevant retention policies and practices, auto-
11 delete functions, etc.) and, where applicable, to exchange information related to any proposed
12 search terms and other search or culling methods.

13 **6. PRODUCTION FORMATS**

14 The parties agree to produce documents in PDF, TIFF, native and/or paper or a
15 combination thereof (check all that apply)] file formats. If particular documents warrant a different
16 format, the parties will cooperate to arrange for the mutually acceptable production of such
17 documents. The parties agree not to degrade the searchability of documents as part of the document
18 production process.

19 More specifically, the parties agree that ESI should be produced as single-page, Group IV,
20 300 DPI TIFF images with the exception of source code, audio, video, PowerPoint, and spreadsheet-
21 type files, including, but not limited to, Microsoft Excel, CSV – which should be produced in native
22 format. All ESI should be produced with a delimited, database load file that contains the metadata
23 fields listed in **Table 1**, attached to this Stipulation, to the extent such metadata exists and to the
24 extent that the producing party’s document production software is capable of producing such
25 metadata. An .opt image cross-reference file should also be provided for all TIFF images.

26 TIFF images should show any and all text and images which would be visible to the reader
27 using the native software that created the document. For example, TIFF images of e-mail messages
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1 should include the BCC line. If an original document contains color, the document should be
2 produced as single-page, 300 DPI with a minimum quality level of 75, 24-bit, color JPG images.

3 If a document is produced in native format, a single-page Bates-stamped TIFF image slip-
4 sheet containing the confidential designation and text stating the document has been produced in
5 native format should also be provided. If documents requested in native format require redactions,
6 the parties should meet and confer regarding how to implement redactions while ensuring that proper
7 formatting and usability are maintained. Each native file should be named according to the Bates
8 number it has been assigned and the filepath for its corresponding record in the load file should be
9 provided using the NATIVELINK field. To the extent that either party believes that native files
10 should be produced for a specific document or class of documents not required to be produced in
11 native format pursuant to this paragraph or to the extent records do not easily conform to native or
12 TIFF format (i.e., structured data), the parties should meet and confer in good faith.

13 The parties are not required to remove duplicate documents from production. If a party
14 elects to remove duplicate documents from production the party shall disclose its intention to do so,
15 prior to use, and agrees to meet and confer regarding the de-duplication method.

16 Prior to use, the parties agree to meet and confer to disclose and discuss any proposed use of
17 technologies to reduce the number of documents to be reviewed or produced (i.e., technology
18 assisted review/predictive coding). Use of these technologies to reduce the reviewable collection or
19 production, other than as described within this document, requires disclosure to the receiving party
20 and assumes that the parties will negotiate a separate mutually agreeable protocol for the use of such
21 technology.

22 7. PHASING

23 When a party propounds discovery requests pursuant to Fed. R. Civ. P. 34, the parties agree
24 to meet and confer regarding phasing or prioritizing by custodian the initial and subsequent
25 productions of ESI.

26 8. DOCUMENTS PROTECTED FROM DISCOVERY

27 (a) Pursuant to Fed. R. Evid. 502(d), the production of a privileged or work-
28 product-protected document, whether inadvertent or otherwise, is not a waiver of privilege or

1 DATED: May 25, 2016

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*Attorneys for Defendant Valero Marketing &
Supply Co.*

11 **IT IS ORDERED** that the forgoing Stipulation is approved.

12 Dated: 5/25/16

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14 _____

UNITED STATES DISTRICT JUDGE

TABLE 1: METADATA FIELDS

Field Name	Example / Format	Description
BEGNO	ABC0000001 (Unique ID)	The Document ID number associated with the first page of a document.
ENDNO	ABC0000003 (Unique ID)	The Document ID number associated with the last page of a document.
BEGATTACH	ABC0000001 (Unique ID Parent-Child Relationships)	The Document ID number associated with the first page of the parent document.
ENDATTACH	ABC0000008 (Unique ID Parent-Child Relationships)	The Document associated with the last page of the last attachment.
VOLUME	VOL001	The name of CD, DVD or Hard Drive.
RECORDTYPE	Options: eMail, Attachment, Scanned Doc, efile	The record type of a document.
SENTDATE	MM/DD/YYYY	The date the e-mail, text message, instant message or similar communication was sent.
SENTTIME	HH:MM	The time the e-mail, text message, instant message or similar communication was sent.
RECEIVEDDATE	MM/DD/YYYY	The date the document was received.
RECEIVEDTIME	HH:MM	The time the document was received.
CREATEDATE	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.
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	Joe Smith <jsmith@email.com> (For e-mail) Joe Smith;(555)555-5679	The display name and e-mail address of the author of an e-mail/calendar item. For text messages, instant messages or similar communication, the name and/or phone number will be populated as it was extracted.
TO	Joe Smith <jsmith@email.com>; tjones@email.com (For e-mail) Joe Smith;(555)555-5679	The display name and e-mail address of the recipient(s) of an e-mail/calendar item. For text messages, instant messages or similar communication, the name(s) and/or phone number(s) will be populated as it was extracted.
CC	Joe Smith <jsmith@email.com>; tjones@email.com	The display name and e-mail of the copyee(s) of an e-mail/calendar item. An e-mail address should always be provided for every e-mail if a copyee existed.
BCC	Joe Smith <jsmith@email.com>; tjones@email.com	The display name and e-mail of the blind copyee(s) of an e-mail or calendar item. An e-mail address should always be provided for every e-mail if a blind copyee existed.
SUBJECT		The subject line of the e-mail.
TITLE		The extracted document title of a document.
CUSTODIAN-ALL	Smith, Joe; Doe, Jane	All of the custodians of a document from which the document originated, separated by semicolons.
ATTACH COUNT	Numeric	The number of attachments to a document.
FILENAME	Document Name.xls	The file name of a document.
FILESIZE	Numeric	The file size of a document (including embedded attachments).
HASH		For emails only, the MD5 or SHA-1 Hash value or "de-duplication key" assigned to a document. The same hash method (MD5 or SHA-1) should be used throughout production.
CONVERSATION INDEX		ID used to tie together e-mail threads.
TIMEZONE	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 time of collection.
FULLTEXT	D:\TEXT\ABC000001.txt	A separate .txt file for each document with the extracted text or OCR text will be produced. These text files should be named with their corresponding bates numbers.