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

NICHOLAS JABER on behalf of himself, all
others similarly situated, and the general
public,

Plaintiff,

vs.

BPI SPORTS, LLC, IMAGE SPORTS, LLC
and BE POWERFUL, LLC,

Defendants.

Case Number: 16-cv-05355-MMC

~~MODEL~~ STIPULATED ORDER RE:
DISCOVERY OF ELECTRONICALLY
STORED INFORMATION FOR
STANDARD LITIGATION

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. SEARCH

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

4. PRODUCTION FORMATS

The parties agree to produce documents in PDF, TIFF, native and/or paper or

1 a combination thereof (check all that apply)] file formats. If particular documents warrant a
2 different format, the parties will cooperate to arrange for the mutually acceptable production of
3 such documents. The parties agree not to degrade the searchability of documents as part of the
4 document production process.

5 **5. DOCUMENTS PROTECTED FROM DISCOVERY**

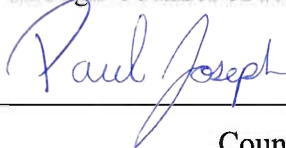
- 6 a) Pursuant to Fed. R. Evid. 502(d), the production of a privileged or work-product-
7 protected document, whether inadvertent or otherwise, is not a waiver of privilege
8 or protection from discovery in this case or in any other federal or state proceeding.
9 For example, the mere production of privileged or work-product-protected
10 documents in this case as part of a mass production is not itself a waiver in this case
11 or in any other federal or state proceeding.
- 12 b) Communications involving trial counsel that post-date the filing of the complaint
13 need not be placed on a privilege log.

14 **6. MODIFICATION**

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

17 **IT IS SO STIPULATED**, through Counsel of Record.

18 Dated: March 16, 2017



Counsel for Plaintiff

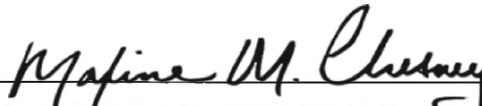
19 Dated: 3/16/17



Counsel for Defendants

20 **IT IS ORDERED** that the forgoing Agreement is approved.

21 Dated: March 20, 2017



22 UNITED STATES DISTRICT/MAGISTRATE JUDGE