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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JASMEN HOLLOWAY, AMY GARCIA,
CHERYL CHAPPEL, ERIC
BLACKSHER, JESSICA TREAS,
LAWRENCE SANTIAGO, JR.,
MUEMBO MUANZA, MAURICE
CALHOUN, NICHOLAS DIXON and
SUSAN MYERS-SNYDER, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

BEST BUY CO., INC., and BEST BUY
STORES, L.P.

Defendant.

Case No. C 05-05056 PJH (MEJ)

[Hon. Phyllis J. Hamilton]

**STIPULATION AND [~~PROPOSED~~] ORDER
REGARDING PRESERVATION OF
DOCUMENTS AND ELECTRONIC MEDIA**

Action filed: December 8, 2005

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Personnel Files and Store Level Information

4. Notwithstanding Best Buy's document destruction policy, Best Buy will continue to preserve personnel files from its retail stores going back to January 1, 2001. All other retail store documents may be destroyed in accordance with the policies set forth in Exhibit "A"; and

Use of Information From 44 Back-Up Tapes

5. If Best Buy conducts any search of the 44 back-up tapes, it will immediately inform Plaintiffs' counsel that it has searched the back-up tapes. Specifically, Best Buy will identify what searches were run and whether those searches located responsive documents. Nothing in this paragraph will be deemed to waive Best Buy's work product privilege. In response Plaintiffs may request that additional searches be performed on the back up tape material. If Best Buy locates responsive documents as a result of any search of the back-up tape material, it will immediately produce said documents, as well as inform Plaintiffs' counsel of the searches used in locating said documents.

Dated: February 12, 2009

SCHNEIDER & WALLACE

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Attorneys for Plaintiffs

Dated: February 12, 2009

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Best Buy Stores, L.P.*

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[PROPOSED] ORDER

Pursuant to Stipulation, it is hereby ORDERED.

DATED: 2/19/09

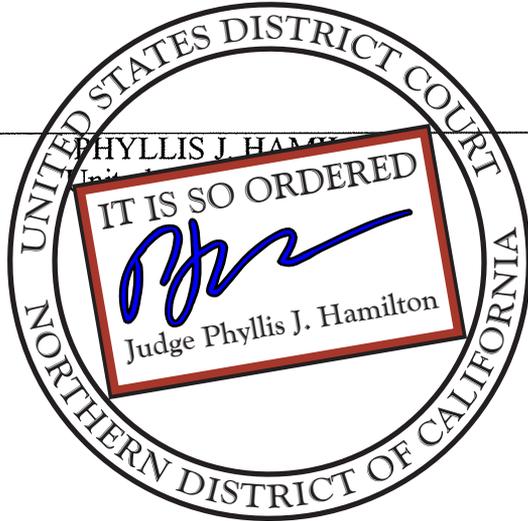


Exhibit A

BEST BUY CO., INC.

Records Retention Policy

A. Policy Summary:

Best Buy Co., Inc. and its subsidiaries ("Company," "Best Buy" or "Best Buy Enterprise") will comply with all statutes and regulations regarding the retention of Company records. Records will be maintained in a secure and orderly fashion during the retention period. Records will be destroyed in a timely and consistent manner.

B. Purpose:

The purpose of this policy is to:

- B.1 Foster the protection and accessibility of required Company records
- B.2 Reduce legal liability risk to the Company
- B.3 Help drive efficiencies in administration of Company records

C. Scope:

This policy applies to Best Buy Co, Inc. and its subsidiaries.

D. Policy Requirements:

All departments within the Best Buy Enterprise shall comply with the following practices:

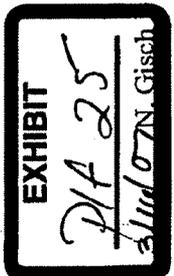
D.1 Retention Periods: Except in circumstances described in D.2 below, the retention periods set forth in the Records Retention Schedule attached to this policy shall be the guidelines for the maintenance of Company records. In addition, managers, supervisors and vice presidents should exercise sound business judgment when considering the best format and procedures for records retention within their area of responsibility consistent with the intent of this policy. Questions may be referred to the Legal Department.

D.2 Exceptions to Retention Period: Records which relate to a dispute (initiated by or against Best Buy), pending claims or pending litigation, litigation in progress, pending regulatory agency investigation, or regulatory agency investigation in progress, must not be destroyed but should be retained (even beyond the retention period) until complete resolution of the matter and advised by legal counsel that retention is no longer necessary. Legal counsel will advise personnel of any current litigation or regulatory agency investigation of which it is aware and will instruct that relevant records not be destroyed. In addition, all personnel must retain records (even beyond the retention period) if they have knowledge of, or are informed about, any of the foregoing circumstances.

All records related to the business of The Musicland Group, Inc. and any of its subsidiaries (including Suncoast, Media Play, On Cue, and Sam Goody) which were not transferred to The Musicland Group, Inc. at or after the sale of The Musicland Group, Inc. must be preserved until the later of (a) June 15, 2009 or (b) the date required by applicable law.

D.3 Supporting Procedures: Directors (or equivalent) will assign records retention responsibility to specific individual(s). Individuals with record retention responsibilities will implement supporting procedures to store Company records in accordance with this policy. Supporting procedures must be documented.

D.3 Inventory: Individuals with record retention responsibilities will maintain an inventory of Company records retained per this policy. At a minimum, the lists will include document title



BEST BUY CO., INC.

Records Retention Policy

and description, source (system, outside source, department name), storage method, location, retention period and destruction procedures.

D.4 Off-Site Storage: An inventory of records stored by third parties or in remote locations will be maintained and updated at least annually. Visits to off-site storage are recommended annually to inspect a sample of documents and ensure documents are being maintained securely.

D.5 Readability/Archive Accessibility: Electronically stored financial records, retained to meet the requirements of this policy, must be made accessible to their department of origin in a readable format.

D.6 Security: Best Buy records are Company assets and will be handled with appropriate confidentiality, care and respect, while guarding against waste and abuse. For more see:

Best Buy Code of Business Ethics; Information Disclosure Policy

Best Buy IS Information Security Policy

Best Buy IS Acceptable Usage Policies

Best Buy Finance SOP – Financial System Security Policy

D.7 Destruction of Records: Records exceeding their designated retention period should be destroyed periodically (recommended annually) unless exceptions apply.

E. Responsibilities:

E.1 All Employees (non-management) – Employees are responsible for understanding the requirements of their position and their personal actions required for Company financial records retention.

E.2 All Managers/Directors/VP's – Managers, Directors and VP's are responsible for understanding and carrying out Company records retention requirements relating to the areas they manage.

E.2.1. Direct supervisors of Employees with Company Records Retention Responsibilities

– Direct supervisors of employees with records retention responsibilities must oversee a complete transition of record retention tasks as employees involved in records retention practices change jobs or job responsibilities.

F. Measurement

The internal audit department will monitor the execution of this policy from time to time as it deems necessary and appropriate and will seek input and advice from the Legal Department and department managers, directors and vice presidents as appropriate.

G. Policy Sponsor

The Policy sponsor is the Best Buy Legal Department. Questions concerning this policy may be directed to the Legal Department or the Internal Audit Department.

H. History

G.1 Effective Date: February 2003

G.2 Revision History:

- March 18, 2004, revision to Section D.2

BEST BUY CO., INC.
Records Retention Policy

None

BEST BUY CO., INC.
Records Retention Policy

RECORDS RETENTION SCHEDULE

RETENTION PERIOD

ACCOUNTING RECORDS

(from fiscal year-end of related document, unless otherwise noted)

Accounts payable	7 years
Accounts receivable	7 years
Audit Reports, Internal	7 years
Audit Reports, External	P
Budget, final operating	7
Budget operating workpapers	2 years
Chart of accounts	7 years
Expense records	7 years
Fixed Asset records	7 years
Annual Financial statements	7 years
General Ledger	7 years
Inventory records	7 years
Loan payment schedules	7 years
Purchase orders	7 years
Sales records	7 years
Tax returns	7 years (from date of filing)
Unclaimed Property Reports	7 years (from date of filing)
Internal Executive Reports	5 years

BANK RECORDS

Bank reconciliations	3 years
Bank statements	7 years
Electronic payment records	7 years

CORPORATE RECORDS

Annual Reports (filed with Secretary of States)	7 years
Business licenses	Life + 4 years after store closes
Company policies and procedures	P (including those no longer in effect)
Contracts	Life + 6 years
Minutes of meetings of Board of Directors and Special Committees of the Board	Permanent

EMPLOYEE RECORDS

Employment taxes	7 years
Payroll records	7 years

BEST BUY CO., INC.
Records Retention Policy

SECURITIES RECORDS

Annual Reports (10-K and glossy)	Permanent
Board and Committee minutes	Permanent
Bonds, Debentures	Permanent
Dividends	10
Elections	Permanent
Securities listing applications	Permanent
Stock certificates, warrant certificates	Permanent
Canceled stock certificates and warrants	Permanent
Ledgers and registers	Permanent
Options, before and after expiration	Permanent
Registration Statements	Permanent
SEC filings (10-Q, 8-K, tender offers, etc.)	Permanent
Investments (closing documents)	Permanent
Purchases & sales of securities	Permanent
Specimens	Permanent
Splits	Permanent
Stock transfer journals	Permanent
Treasury	Permanent

- The Record Retention Policy outlines specific policies regarding the storage and retention of various paperwork.
- Stores generate an immense amount of paper records each month, some of which are not needed in the future. Other records must be stored for legal reasons.
- Storing records in a standard method allows the store to easily locate documents and it prevents waste of valuable storage space.
- Best Buy's record retention policy only includes guidelines for documents that stores are required to keep. Many other documents that are used in the store may not be included in the policy; this indicates that the store is not required to keep those documents on file.
- Documents which contain customer information or confidential Best Buy information must be shredded.

Storage/Disposal

- In some cases, stores need to transfer documents from short-term storage areas (such as hanging files) to long-term storage areas (such as banker's boxes). When necessary to move documents to long-term storage, ensure the boxes are accessible and clearly labeled with contents, dates of records, and retention period (disposal date).
Note: Documents must be easily accessible for three months before they can be transferred to long-term storage. During these three months, the documents must be accessible for store assessments and research purposes.
- Label all files with the proper retention guideline. This allows file users to purge expired paperwork on a regular basis.
- Dispose of confidential documents or documents containing any customer information in a discreet, confidential manner. Use the locked bins provided by the document destruction contractor. The pickup and destruction of materials is scheduled at four-, six-, or eight-week intervals, depending on the volume of materials requiring destruction. If a pickup is required outside the store's regular schedule, contact the document destruction contractor at 877-450-6287, and a pickup will be scheduled within 48 hours.

BBSLP3651

- The Record Retention Policy outlines specific policies regarding the storage and retention of paperwork.
- Service Centers generate an immense amount of paper records each month; some of which are not needed in the future. Other records must be stored for legal reasons.
- Storing records in a standard method allows the Service Center to easily locate documents and it prevents waste of valuable storage space.
- Best Buy's record retention policy only includes guidelines for documents that Service Centers are required to keep. Many other documents that are used in the Service Center may not be included in the policy; this indicates that the Service Center is not required to keep those documents on file.

Storage/Disposal

- In some cases, Service Centers need to transfer documents from short-term storage areas (such as hanging files) to long-term storage areas (such as banker's boxes). When necessary to move documents to long-term storage, ensure the boxes are accessible and clearly labeled with contents and dates.

Note: Documents must be retained longer than three months before they can be transferred to long-term storage. Prior to three months, the documents must be accessible for Service Center assessments.

- Label all files with the proper retention guideline. This allows file users to purge expired paperwork on a regular basis.
- Dispose of confidential documents in a discreet, confidential manner. Use the locked bins provided by the document destruction contractor. The pickup and destruction of materials is scheduled at four-, six-, or eight-week intervals, depending on the volume of materials requiring destruction. If a pickup is required outside the Service Center's regular schedule, contact the document destruction contractor at 877-450-6287, and a pickup will be scheduled within 48 hours.

Additional Resources: Record Retention Policy – Stores with Customer
Contract Manager

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- The Record Retention Policy outlines specific policies regarding the storage and retention of various paperwork.
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- Documents which contain customer information or confidential Best Buy information must be shredded.

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- In some cases, stores need to transfer documents from short-term storage areas (such as hanging files) to long-term storage areas (such as banker's boxes). When necessary to move documents to long-term storage, ensure the boxes are accessible and clearly labeled with contents, dates of records, and retention period (disposal date).
Note: Documents must be easily accessible for three months before they can be transferred to long-term storage. During these three months, the documents must be accessible for store assessments and research purposes.
- Label all files with the proper retention guideline. This allows file users to purge expired paperwork on a regular basis.
- Dispose of confidential documents or documents containing any customer information in a discreet, confidential manner. Use the locked bins provided by the document destruction contractor. The pickup and destruction of materials is scheduled at four-, six-, or eight-week intervals, depending on the volume of materials requiring destruction. If a pickup is required outside the store's regular schedule, contact the document destruction contractor at 877-450-6287, and a pickup will be scheduled within 48 hours.

BBSLP3653

Record Retention Policy

Report Name	RDS ID	Long Term Storage Method	Retention Period	Comments
Acknowledgement of Work Restrictions	NA	Hanging file in locked file cabinet	Employment period	Keep in file cabinet injury file.
Armored car/deposit log book	NA	Bankers box by month	Six months	
Automobile Accident or Loss Notice Form	NA	Bankers box by month	Three years to six years	Minnesota stores must keep for six years. All other states must keep for three years. Documents must be shredded at the end of the retention period.
Back Office Security Audit	NA	Bankers box by month	One year	
Bank deposit tickets	NA	Bankers box by month	Six months	Attach to Cash and Check Worksheet.
Best Buy Credit Application Report	S06S101A	Bankers box by month	One year	Mail all applications to the bank. Documents must be shredded at the end of the retention period.
Best Buy Property Loss Report	NA	Hanging file	One year	Documents must be shredded at the end of the retention period.
Big Joe checklist	NA	Bankers box by month	Three years to six years	Minnesota stores must keep for six years. All other states must keep for three years. Documents must be shredded at the end of the retention period.
Business Account Sales Report	S06S102A	Bankers box by month	Six months	Documents must be shredded at the end of the retention period.
Cash and Check Worksheet	NA	Bankers box by month	Six months	Documents must be shredded at the end of the retention period.
Checklist for Employee Injuries	NA	Hanging file in locked file cabinet	Employment period	Attach Bank deposit tickets, Store Accounting Detail Report, Overly Short Checklist.
Credit Card Settlement Transmittal	S04S057B	Bankers box by month	Six months	Keep in Employee Injury file.
Credit Card Signature Capture Report	S04S050A	Bankers box by month	Six months	Attach credit card receipts. Documents must be shredded at the end of the retention period, including credit card receipts.
Customer Claims Reporting Form (Mobile or Retail)	NA	Hanging file	Three years to six years	Minnesota stores must keep for six years. All other states to be six years. Documents must be shredded at the end of the retention period.
Customer Mobile Installation Damage Release	NA	Bankers box by month	Three years to six years	Minnesota stores must keep for six years. All other states to be three years. Documents must be shredded at the end of the retention period.
Customer Order Activity Report	I06S322A	Bankers box by month	One year	Documents must be shredded at the end of the retention period.
Customer Order Claim Check/STAR Exchanges	NA	A-Z file by month Bankers box by month	Two CPI periods	Documents must be shredded at the end of the retention period.
Customer Order Claim Check/STAR/Service Order	NA	Bankers box by month	Three years	Documents must be shredded at the end of the retention period.
Cycle Physical Inventory Variance Report	NA	Hanging file	Two CPI periods	Attach all physical inventory documentation including maps, corrected logs, audit logs, range check reports, final summary reports, inventory area tags, etc.); See Post Cycle Physical Inventory (CPI) topic of SOP Drive for a complete list.

Record Retention Policy

Report Name	RDS ID	Long Term Storage Method	Retention Period	Comments
Daily Cash In/Out Receipts	S04S120A	Bankers box by month	Six months	Documents must be shredded at the end of the retention period.
Daily Media Packet Checklist - 6 Months		Bankers box by month	Six months	File with Daily Media Packet items
Daily Media Packet Checklist - 12 Months		Bankers box by month	One year	File with Daily Media Packet items
Daily Negative Quantity Report	105U017V	Hanging file	One year	
Daily Off Backorder Report by Selling Location	104P176A	Bankers box by month	One year	
Daily Receiving Report	101U025D	Hanging file by month	One year	
Daily Returns Exception Report	S03S151A	Bankers box by month	One year	
Daily Shipping Report	102U024D	Hanging file by month	One year	
Daily Vendor Coupon Redemption Report	S03S111A	Bankers box by month	Six months	Attach logy exception/cancel worksheets
DC Bill of Lading/packing list	NA	Hanging file by month	One year	
DDC manifest/bill of lading	NA	Hanging file	One year	Metro specialty: Documents must be shredded at the end of the retention period.
DOT paperwork (outstate only)	NA	Hanging file	One month	Submit to Corporate Transportation by the 10th of each month.
Driver's Daily Logs/Driver Duty Status Logs	NA	Driver's Daily Logs/Driver Duty Status Logs File	Six months	
Driver's logsheets/HDF (outstate)	NA	Hanging file	OT to CPI	Documents must be shredded at the end of the retention period.
Driver's Manifests	NA	Driver's Manifest File	CPI to CPI	
Driver's Vehicle Inspection Reports	NA	Driver's Manifest File	Three months	
Employee file	NA	Hanging file in locked file cabinet	Employment period	File is sent to regional office at conclusion of employment.
Employee Injury file	NA	Hanging file in locked file cabinet	Employment period	Keep separate than standard employee file. File is sent to regional office at conclusion of employment.
Employee red medical file	NA	Hanging file in locked file cabinet	Employment period	Keep separate from standard employee file. Files sent to regional office at conclusion of employment.
Employee Transaction Report	S04S007A	Bankers box by month	One year	Documents must be shredded at the end of the retention period.
Employment applications (not hired)	NA	Bankers box	One year to two years	California stores must keep for one year's all other states for one year. Documents must be shredded at the end of the retention period.

Record Retention Policy

Report Name	RDS ID	Long Term Storage Method	Retention Period	Comments
Entertainment Software Returns Report (Pull Sheet)	RA	Bankers box by month	CPI to CPI	
Financing Plan Change Form	R/A	Bankers box by month	Six months	
Form B300 (copy)	RA	Bankers box by month	Six months	Documents must be shredded at the end of the retention period.
Geek Squad Business Account Sales Receipts	NA	Bankers box by month	One year	Documents must be shredded at the end of the retention period.
Geek Squad Official Service Form	NA	Bankers box by month	Three years	Documents must be shredded at the end of the retention period.
Gross Earnings Report	RA	Hanging file in locked file cabinet	Six months	Confidential . Documents must be shredded at the end of the retention period.
Home Delivery Order Change Report	10-152-10A	Hanging file	CPI to CPI	Documents must be shredded at the end of the retention period.
Invalid SKU Report	RA	Bankers box by month	One year	
Inventory Adjustment Detail Report	11-40200W	Hanging file by month	One year	
Inventory Adjustment In-Stock Worksheet	RA	Hanging file by week	One week	Attach to Inventory Adjustment Detail Report.
Inventory Adjustment Monthly Summary Report	10-41300M	Hanging file by month	One year	
JOS Applications (not promoted)	RA	Hanging file in locked file cabinet	Employment period	Keep in employee's file.
Location Use memos	NA	Hanging file by week	One week	Attach to Weekly Count Correction Report.
Loss and Damage Claim Forms	NA	Hanging file	One year past closure	Documents must be shredded at the end of the retention period.
LPCS Incident Report	RA	Hanging file	Three years to six years	Minnesota stores must keep for six years; all other states three years when documenting a non-productive/bad stop. Documents must be shredded at the end of the retention period.
LPCS Shift Report	RA	Hanging file	Three years to six years	Minnesota stores must keep for six years; all other states three years when documenting a non-productive/bad stop. Documents must be shredded at the end of the retention period.
Mail Check Status Report	A075128A	Bankers box by month	Six months	Documents must be shredded at the end of the retention period.
Miscellaneous receipts	RA	Manila envelope in bankers box by month	Six months	Documents must be shredded at the end of the retention period.
Mobile Installation invoices (installers' copy)	NA	Bankers box by month	Three years	Documents must be shredded at the end of the retention period.
Mobile Installation invoices (store copy)	NA	Manila envelope in bankers box by month	Six months	File with miscellaneous receipts for prompt access during the six-month retention period. After the six-month retention period, refer to the installer's copy of the Mobile Installation Invoice. Documents must be shredded at the end of the retention period.

Record Retention Policy

Report Name	RDS ID	Long Term Storage Method	Retention Period	Comments
Monthly DOT Paperwork to Ship	NA	Driver's Manual File	One month	Submit to George transported by the ship crew.
Monthly Physical Security Checklist	NA	Hanging file	Six months	
MTD Cash In/Cash Out Expenditure Report	SO15140A	Bankers box by month	Six months	Documents must be shredded at the end of the retention period.
No Sale receipts	NA	Bankers box by month	Six months	
Occupational Injury Checklist	NA	Hanging file in locked file cabinet	Employment period	Keep in Employees' red medical file.
Operator Performance Report	NA	Bankers box by month	Six months	
OSHA 300 Log	NA	Bankers box by month	Thirty years	Documents must be shredded at the end of the retention period.
Over/Short Checklist	NA	Bankers box by month	Six months	Attach to Cash and Check Worksheet.
P&L Operating Statement	G030040M	Hanging file	Two years	Documents must be shredded at the end of the retention period.
Payroll Cover Sheet	NA	Bankers box by month	Three years to six years	Human stores must keep for six years; all other stores 12-36 years. Attach: Approaching Overtime Report, Associate Time Sheet, Budget Detail Report, copy of posted schedule, Hourly Time Sheet by Job, Luncheon Compliance Report, Salary Time Sheet by Job, Injury Status, Time & Attendance Audit Report, signed Time Card, Edit Sheet. Documents must be shredded at the end of the retention period.
Post Voids	NA	Manila envelope in bankers box by month	One year	Documents must be shredded at the end of the retention period.
Price Variance Report - By Sales	SO15040A	Bankers box by month	One year	Documents must be shredded at the end of the retention period.
Purchases made at other retailers (receipts)	NA	Hanging file	Three months	Documents must be shredded at the end of the retention period.
Register Reboot Report	NA	Bankers box by month	Six months	
ROS End of Day Report	NA	Bankers box by month	Two years	Attach Appliance Terms of Installation Form if needed. Documents must be shredded at the end of the retention period.
Safety Investigation Report	NA	Hanging file	Employment period	Filed in Employee Injury file.
Service Counter Management Report	NA	1-31 hanging file	One month	
Service Sales Matching Report	NA	Hanging file	Six months	
Service Shipment Packing List	NA	Hanging file by month	One year	Documents must be shredded at the end of the retention period.
Stock Count Worksheet	IO9U471D	Hanging file by month	One year	
Store Accounting Totals Report	NA	Bankers box by month	Six months	Attach to Cash and Check Worksheet.
Store Assessments	NA	Hanging file	One year	

Record Retention Policy

Report Name	RDS ID	Long Term Storage Method	Retention Period	Comments
Store Parts Inventory Report (JSPCR)	NA	1-31 Hanging file	Two CPI periods	Before this, make a photocopy, also place the original in the 1-31 Store PC Report 1-31 File.
Store surveillance video tapes involving incidents	NA	LPCS Office	90 days	Even if incident is not captured on tape, the tape must be kept 90 days.
Store Warranty Report	NA	Hanging file	Six months	Documents must be shredded at the end of the retention period.
Texas Occupational Benefits Plan including the following forms: Form 1 - Employee Injury Incident Report Form 2 - Authorization Form Form 3 - Injury Treatment Report Form 4 - Witness Statement Report Form 5 - Location Manager Incident Investigation Form 6 - Return to Work Report	NA	Hanging file in locked file cabinet	Employment period	Keep in Employee Injury file.
Transfer documents	NA	Hanging file by location and month	One year	Includes both incoming and outgoing transfers.
Truck Seal Logs	NA	Hanging file	One year	Fax monthly log to DPPM on the 5th of each month.
Truck Seals (used)	NA	Manila envelope	Two months	
UPS airbills and log	NA	Bankers box by month	Three years	Documents must be shredded at the end of the retention period.
Weekly Negative Quantity Report	1050917W	Hanging file	One year	
Weekly Safety Checklist	NA	Hanging file	Three years to six years	Minnesota stores must keep for six years, all other stores three years. Documents must be shredded at the end of the retention period.
Work Related Injury Report	NA	Hanging file in locked file cabinet	Employment period	Keep in Employee Injury file.

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PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 2049 Century Park East, Suite 3400, Los Angeles, California 90067-3208.

On February 12, 2009, I served the foregoing document described as **Stipulation and [Proposed] Order Regarding Preservation of Documents and Electronic Media** on the interested parties in this action by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

Richard W. Black
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, N.W.
Washington, DC 20004

BY MAIL: I caused such envelope to be deposited in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

I am "readily familiar" with this firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

BY ELECTRONIC MAIL: I caused a true copy of the document described to be served by electronic mail to the addressee above.

BY FEDERAL EXPRESS - OVERNIGHT: I caused such envelope to be deposited in a box or other facility regularly maintained by Federal Express in an envelope or package designated by Federal Express with delivery fees paid.

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction service was made.

Executed on February 12, 2009 at Los Angeles, California.



Lilia Duarte