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8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION
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11 MARCEL SIELER, an individual,
 12 Plaintiff,
 13 vs.
 14 ATIEVA USA, INC. dba LUCID MOTORS
 USA, INC., a California corporation; and
 15 DOES 1-20, inclusive,
 16 Defendants.

CASE NO. 4:17-cv-03152-DMR
~~[PROPOSED]~~ **STIPULATED ORDER RE
 DISCOVERY OF ELECTRONICALLY
 STORED INFORMATION FOR
 STANDARD LITIGATION**
 The Hon. Donna M. Ryu
 Trial Date: October 22, 2018

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 18 **1. PURPOSE**

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

22 **2. COOPERATION**

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

26 **3. LIAISON**

27 The parties have identified liaisons to each other who are and will be knowledgeable
 28 about and responsible for discussing their respective ESI. Each e-discovery liaison will be, or

1 have access to those who are, knowledgeable about the technical aspects of e-discovery,
2 including the location, nature, accessibility, format, collection, search methodologies, and
3 production of ESI in this matter. The parties will rely on the liaisons, as needed, to confer about
4 ESI and to help resolve disputes without court intervention.

5 **4. PRESERVATION**

6 The parties have discussed their preservation obligations and needs and agree that
7 preservation of potentially relevant ESI will be reasonable and proportionate. To reduce the
8 costs and burdens of preservation and to ensure proper ESI is preserved, the parties agree that:

- 9 (a) Only ESI created or sent/received between January 1, 2015 to present by Marcel
10 Sieler, Steffen Jentsch, Max Klimke, Raymund Köhler, Sven Häeussler, Derek
11 Jenkins, Alexander Girard, Thomas Fleuret, Peter Rawlinson, Joann Jung, Jared
12 Strawderman, James Kim, Mark Gianassi, Shai Ron, Simon Tildesley, Doug Haslam,
13 Chelsea Blake, Eric Bach, Hans-Christoph Eckstein, Wiebke Eckstein, Ralf Meyer-
14 Wendt, Christopher Burton, Sheila Xu, and Andrea Consola will be preserved at this
15 time;
- 16 (b) The parties shall add or remove custodians from the list above as reasonably
17 necessary going forward;
- 18 (c) The parties agree to preserve the following types of ESI: emails; electronic
19 documents/files (Word, Excel, Powerpoint, etc.); and work product generated by the
20 Rhinoceros 3D, Grasshopper, Inkscape, Sketchup, and Catia software. Specific file
21 types to be preserved include: .xls, .xlsx, .ppt, .pptx, .3dm (Rhinoceros 3D), .gh
22 (Grasshopper), .svg (Inkscape), .eps, .png, .jpg, .jpeg, .doc, .docx, .pdf, .tiff, .skp
23 (Sketchup), .catpart (Catia), .iges (Rhinoceros 3D), .step (Rhinoceros 3D), .stp
24 (Rhinoceros 3D), .stl (Rhinoceros 3D);
- 25 (d) The parties agree not to preserve backup data created before January 1, 2015; and
- 26 (e) In addition to the agreements above, the parties agree data from the following
27 sources (i) could contain relevant information, but (ii) under the proportionality
28 factors, do not need to be preserved: ESI created or sent/received by current and
former employees of Atieva USA, Inc. d/b/a Lucid Motors USA, Inc. other than the
custodians listed in subsection 4(a), above, subject to any changes made pursuant to
subsection 4(b), above.

24 **5. SEARCH**

25 The parties agree that in responding to any Fed. R. Civ. P. 34 request, they will meet and
26 confer about the methods to search ESI including, but not limited to keyword search terms, in
27 order to identify ESI that is subject to production in discovery and filter out ESI that is not
28 subject to discovery.

1 **6. PRODUCTION FORMATS**

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

7 **7. PHASING**

8 When a party propounds discovery requests pursuant to Fed. R. Civ. P. 34, where
9 applicable, the parties agree to phase the production of ESI as reasonably needed. The initial
10 production will be from the following sources and custodians: Peter Rawlinson, Eric Bach, Ralf
11 Meyer-Wendt, Marcel Sieler, Steffen Jentsch, Derek Jenkins, Alexander Girard, Christopher
12 Burton, Mark Gianassi, and Doug Haslam. Following the initial production, the parties will
13 continue to prioritize the order of subsequent productions.

14 **8. DOCUMENTS PROTECTED FROM DISCOVERY**

- 15 (a) Pursuant to Fed. R. Evid. 502(d), the production of a privileged or work-product-
16 protected document, whether inadvertent or otherwise, is not a waiver of privilege or
17 protection from discovery in this case or in any other federal or state proceeding. For
18 example, the mere production of privileged or work-product-protected documents in
19 this case as part of a mass production is not itself a waiver in this case or in any other
20 federal or state proceeding.
21 (b) Communications involving trial counsel that post-date the filing of the complaint
22 need not be placed on a privilege log. Communications may be identified on a
23 privilege log by category, rather than individually, if appropriate.

21 **9. MODIFICATION**

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

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IT IS SO STIPULATED, through Counsel of Record.

DATED: September 14, 2017

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: /s/ China M. Westfall
Joseph R. Lordan
China M. Westfall
Attorneys for ATIEVA USA, INC. dba LUCID
MOTORS USA, INC.

DATED: September 14, 2017

SOHN LEGAL GROUP, P.C.

By: /s/ David Sohn
David D. Sohn, Esq.
Attorneys for Plaintiff
MARCEL SIELER

IT IS ORDERED that the forgoing Agreement is approved.

DATED: September 19, 2017

