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8 Attorneys for Defendant
 9 OrGano Gold Int'l, Inc.

10 UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 TITAN GLOBAL LLC, a Nevada Limited
 13 Liability Company; MATHEW RASMUSSEN
 14 and LISA RASMUSSEN, husband and wife,
 15 residents of California,

16 Plaintiffs,

17 v.

18 ORGANO GOLD INT'L, INC., a Washington
 19 corporation; HOLTON BUGGS JR. and JANE
 20 DOE BUGGS, Texas residents; ROMACIO
 21 FULCHER, a single man and a California resident;
 22 RRAMON FULCHER SR. and TYRA
 23 FULCHER, husband and wife, California
 24 residents; KYLE A. SOLON, a single man and a
 25 California resident; JOHN DOES AND JANE
 26 DOES 1-25; JOHN DOES AND JANE DOES 26-
 27 50; XYZ CORPORATIONS AND LLC'S 1-25;
 28 and XYZ CORPORATIONS AND LLCS 1-25,

29 Defendants.

Case No. 5:12-CV-2104-LHK
 Honorable Lucy H. Koh

STIPULATED ORDER RE:
 DISCOVERY OF ELECTRONICALLY
 STORED INFORMATION

30 COME NOW the parties, by and through their respective undersigned counsel of record, in
 31 compliance with the Local Rules of this Court, and hereby agree to the entry of the following Stipulated
 32 Order Re: Discovery of Electronically Stored Information.

33 STIPULATED ORDER RE: DISCOVERY OF ELECTRONICALLY STORED INFORMATION - 1

1 **1. PURPOSE**

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

5 **2. COOPERATION**

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

8 **3. LIAISON**

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

15 **4. PRESERVATION**

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

- 19 a) Only ESI created or received between January 1, 2008 and Final Disposition of this matter, as
20 defined in the Stipulated Protective Order entered in this case, will be preserved;
- 21 b) The parties have agreed/will agree on the number of custodians per party for whom ESI will
22 be preserved;

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1 c) These data sources are not reasonably accessible because of undue burden or cost pursuant to
2 FED. R. CIV. P. 26(b)(2)(B) and ESI from these sources will be preserved but not searched, reviewed, or
3 produced: backup media systems in use by the parties prior to January 1, 2008, systems no longer in use
4 that cannot be accessed, or any similar systems;

5 d) Among the sources of data the parties agree are not reasonably accessible, the parties agree
6 not to preserve the following: digital voicemail, instant messaging, and automatically saved versions of
7 documents;

8 e) In addition to the agreements above, the parties agree data from these sources (a) could
9 contain relevant information but (b) under the proportionality factors, should not be preserved: social media
10 material.

11 **5. SEARCH**

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

15 **6. PRODUCTION FORMATS**

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

20 **7. DOCUMENTS PROTECTED FROM DISCOVERY**

21 a) Pursuant to FED. R. EVID. 502(d), the production of a privileged or work-product-protected
22 document, whether inadvertent or otherwise, is not a waiver of privilege or protection from discovery in this
23 case or in any other federal or state proceeding. For example, the mere production of privileged or work-

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1 product-protected documents in this case as part of a mass production is not itself a waiver in this case or in
2 any other federal or state proceeding.

3 b) Communications involving trial counsel that post-date the filing of the complaint need not be
4 placed on a privilege log. Communications may be identified on a privilege log by category, rather than
5 individually, if appropriate.

6 **8. MODIFICATION**

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

9 IT IS SO STIPULATED, through Counsel of Record.

10 DATED THIS 8th day of January, 2013.

11 LAW OFFICES OF DAVID G. EISENSTEIN, P.C.

12
13 By /s/ David G. Eisenstein

14 David G. Eisenstein
15 Attorneys for Plaintiffs

16 DATED THIS 8th day of January, 2013.

17 PARSONS BEHLE & LATIMER

18
19 By /s/ Brook B. Bond

20 Brook B. Bond
21 Attorneys for Defendant
22 OrGano Gold Int'l, Inc.

1 DATED THIS 8th day of January, 2013.

2 WEINTRAUB GENSHLEA CHEDIAK TOBIN &
3 TOBIN

4
5 By /s/ Charles L. Post

6 Charles L. Post

7 James Kachmar

8 Attorneys for Defendants

9 Romacio Fulcher, Ramon Fulcher, Sr., Tyra
10 Fulcher, and Kyle A. Solon

11 DATED THIS 8th day of January, 2013.

12 WELLMAN & WARREN LP

13 By /s/ Anabella Q. Bonfa

14 Scott W. Wellman

15 Anabella Q. Bonfa

16 Attorneys for Defendants

17 Attorneys for Earlene and Holton Buggs, Jr.

18 **ORDER**

19 IT IS ORDERED that the forgoing Agreement is approved.

20 DATED THIS 9th day of January, 2013.

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22 Honorable Lucy H. Koh

23 United States District Judge

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 8th day of January, 2013, I electronically filed the foregoing document with the Clerk of the Court, using the CM/ECF system, which automatically sent email notification of such filing to all counsel who have entered an appearance in this action.

/s/ Brook B. Bond
Brook B. Bond

4825-5928-1170.4