

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

GLOBAL DIMENSIONS, LLC,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 5:23-cv-0168-FL
)	
RANDALL TACKETT,)	
)	
Defendant.)	

AGREED PRESERVATION ORDER

This matter came before the Court on a joint request by Plaintiff Global Dimensions, LLC and Defendant Randall Tackett for this Court to enter an Order compelling the parties to maintain and preserve all documents and electronically stored information that are responsive to: (i) the claims and defenses raised in Plaintiff’s Complaint [Dkt. No. 1] and Defendant’s Answer [Dkt. No. 22]; (ii) that matters addressed in Plaintiff’s Motion for Preliminary Injunction [Dkt. Nos. 3, 5 and 23] and Defendant’s opposition thereto [Dkt. No. 13]; and (iii) the discovery requests served by the parties on April 28, 2023. It appearing to the Court that there is good cause to enter such an Order, and upon agreement of the parties as evidenced by their electronic signatures below, it is hereby ORDERED as follows:

1. Both parties shall maintain and preserve all documents and electronically stored information that is in their possession, custody or control which is referenced in, related to, or responsive to the matters addressed in the pleadings, motions and discovery requests already served in this matter, whether or not the party in possession of such material objects to its discoverability (the “Discovery Material”). This requirement

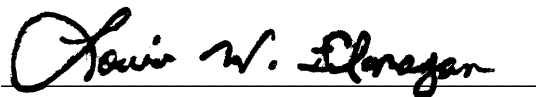
shall include an obligation to maintain and preserve, in their original state without deletion, alteration or manipulation, all computers, tablets, laptops, portable hard drives, memory cards, thumb drives, mobile phones, smart phones, cloud storages or any other storage device that contains Discovery Material (the “Discovery Devices”). This obligation shall also include a requirement that both parties take adequate steps to prevent the loss of Discovery Material through any automatic deletion protocols utilized by the parties on any of their Discovery Devices.

2. For purposes of this Agreed Preservation Order, the term “documents” includes all documents and tangible things as contemplated by Rule 34 of the Federal Rules of Evidence, whether in hard copy, electronic form, draft or final form. This includes, without limitation, all agreements, letters, correspondence, external or internal communications, text messages, memoranda, reports, schedules, drawings, handwritten notes, work papers, summaries, tabulations, calculations, invoices, vouchers, ledgers, journals, worksheets, spreadsheets, plans, minutes, bulletins, brochures, catalogs, notices, transcripts, calendars, diaries, charts and forecasts.
3. For purposes of this Agreed Preservation Order, the term “electronically-stored information” or “ESI” encompasses all relevant electronically stored data and metadata as contemplated by the Federal Rules including such information as stored on e-mails, voicemails, telephone logs, text messages, word processing documents, spreadsheets, databases, calendars, appointments, networks, computer systems (including legacy systems), servers, archives, backup and disaster recovery systems, tapes, disks, drives, cartridges, other storage media, laptops, internet usage files and other records, web pages, personal computers, and other information storage devices. ESI shall be

preserved in its native form, and neither party shall select methods to preserve ESI that inhibit, impair, remove or degrade the ability of the other party to search ESI by electronic means or make it difficult or burdensome to access or use the information efficiently during this litigation.

4. To the extent any Discovery Material has already been deleted, destroyed or altered in any way, the party in possession of such deleted, destroyed or altered Discovery Material shall take reasonable steps to recover the same in its original, unaltered condition. If such efforts are unsuccessful, the party responsible for the deletion, destruction or alteration of Discovery Material shall provide notice to the other party describing the original format and content of the Discovery Material that was once in existence, when such Discovery Material was originally created, when it was deleted, destroyed or altered, and whether it was deleted, destroyed or altered in its entirety or only in part.

ENTERED this 18th day of May, 2023.



LOUISE W. FLANAGAN
United States District Judge

SEEN AND AGREED:

/s/ Timothy C. Bass
Timothy C. Bass
Counsel for Plaintiff

/s/ Thomas Van Camp
Thomas Van Camp
Counsel for Defendant