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

7)
8) Case Number: C xx-xxxx

9) [MODEL] STIPULATED ORDER RE:
10) DISCOVERY OF ELECTRONICALLY
11) STORED INFORMATION FOR
12) STANDARD LITIGATION

9 Plaintiff(s),

10 vs.

12 Defendant(s).
13)

14 **1. PURPOSE**

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

18 **2. COOPERATION**

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

22 **3. LIAISON**

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

1 **4. PRESERVATION**

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

- 5 a) Only ESI created or received between _____ and _____ will be preserved;
- 6 b) The parties have exchanged a list of the types of ESI they believe should be
7 preserved and the custodians, or general job titles or descriptions of custodians, for
8 whom they believe ESI should be preserved, e.g., “HR head,” “scientist,” and
9 “marketing manager.” The parties shall add or remove custodians as reasonably
10 necessary;
- 11 c) The parties have agreed/will agree on the number of custodians per party for whom
12 ESI will be preserved;
- 13 d) These data sources are not reasonably accessible because of undue burden or cost
14 pursuant to Fed. R. Civ. P. 26(b)(2)(B) and ESI from these sources will be
15 preserved but not searched, reviewed, or produced: [e.g., backup media of [named]
16 system, systems no longer in use that cannot be accessed];
- 17 e) Among the sources of data the parties agree are not reasonably accessible, the
18 parties agree not to preserve the following: [e.g., backup media created before
19 _____, digital voicemail, instant messaging, automatically saved versions of
20 documents];
- 21 f) In addition to the agreements above, the parties agree data from these sources (a)
22 could contain relevant information but (b) under the proportionality factors, should
23 not be preserved: _____.

24 **5. SEARCH**

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

28 **6. PRODUCTION FORMATS**

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

