**Appendix A: Forms of Production**

1. **Definitions**

**“Electronically Stored Information”** or **“ESI”** includes communications, presentations, writings, drawings, graphs, charts, photographs, posts, video and sound recordings, images, and other data or data compilations existing in electronic form on any medium including, but not limited to: (i) e-mail, texting, social media or other means of electronic communications; (ii) word processing files (e.g., Microsoft Word); (iii) computer presentations (e.g., Microsoft PowerPoint); (iv) spreadsheets (e.g., Microsoft Excel); (v) database content and (vi) media files (e.g., jpg, wav).

**“Metadata”** means and refers to (i) structured (fielded) information embedded in a native file which describes the characteristics, origins, usage, and/or validity of the electronic file; (ii) information generated automatically by operation of a computer or other information technology system when a native file is created, modified, transmitted, deleted, or otherwise manipulated by a user of such system; (iii) information, such as Bates numbers, created during the course of processing documents or ESI for production; and (iv) information collected during the course of collecting documents or ESI, such as the name of the media device, or the custodian or non-custodial data source from which it was collected.

**“Native Format”** means and refers to the format of ESI in which it was generated and/or as used by the producing party in the usual course of its business and in its regularly conducted activities. For example, the native format of an Excel workbook is a .xls or .xslx file and the native format of a Microsoft Word document is a .doc or .docx file.

**“Near-Native Format’** means and refers to a form of ESI production that preserves the functionality, searchability and integrity of a Native Format item when it is infeasible or unduly burdensome to produce the item in Native Format. For example, an MBOX is a suitable near-native format for production of Gmail, an Excel spreadsheet is a suitable near-native format for production of Google Sheets, and EML and MSG files are suitable near-native formats for production of e-mail messages. Static images are not near-native formats for production of any form except Hard Copy Documents.

1. **Production**
2. Responsive electronically stored information (ESI) shall be produced in its Native Format with Metadata.
3. If it is infeasible to produce an item of responsive ESI in its Native Format, it may be produced in a Near-Native Format with options for same set out in the table below:

|  |  |
| --- | --- |
| Source ESI | Native or Near-Native Form or Forms Sought |
| Microsoft Word documents | .DOC, .DOCX |
| Microsoft Excel Spreadsheets | .XLS, .XLSX |
| Microsoft PowerPoint Presentations | .PPT, .PPTX |
| Microsoft Access Databases | .MDB, .ACCDB |
| WordPerfect documents | .WPD |
| Adobe Acrobat Documents | .PDF |
| Photographs | .JPG, .PDF |
| E-mail | Messages should be produced in a form or forms that readily support import into standard e-mail client programs; that is, the form of production should adhere to the conventions set out in RFC 5322 (the internet e-mail standard). For Microsoft Exchange or Outlook messaging, .PST format will suffice. Single message production formats like .MSG or .EML may be furnished, if source foldering data is preserved and produced. If your workflow requires that attachments be extracted and produced separately from transmitting messages, attachments should be produced in their native forms with parent/child relationships to the message and container(s) preserved and produced in a delimited text file. |
| Social Media | Social media content should be collected using industry standard practices incorporating reasonable methods of authentication, including but not limited to MD5 hash values. Social media and webpages should be produced as HTML faithful to the content and appearance of the native source, or as JPG images with a searchable, document-level files containing textual content and delimited metadata (including “likes” and comments) |

1. Paper (Hard-Copy) documents or items requiring redaction shall be produced in static image formats scanned at 300 dpi *e.g.*, single-page Group IV.TIFF or multipage PDF images. If an item uses color to convey information and not merely for aesthetic reasons, the producing party shall not produce the item in a form that does not display color. The full content of each document will be extracted directly from the native source where feasible or, where infeasible, by optical character recognition (OCR) or other suitable method to a searchable text file produced with the corresponding page image(s) or embedded within the image file. Redactions shall be logged along with other information items withheld on claims of privilege.
2. Each item produced shall be identified by naming the item to correspond to a Bates number according to the following protocol:

i. The first three (3) characters of the filename will reflect a unique alphanumeric designation identifying the party making production.

ii. The next eight (8) characters will be a unique, consecutive numeric value assigned to the item by the producing party. This value shall be padded with leading zeroes as needed to preserve its length.

iii. The final six (6) characters are reserved to a sequence consistently beginning with a dash (-) or underscore (\_) followed by a five-digit number reflecting pagination of the item when printed to paper or converted to an image format for use in proceedings or when attached as exhibits to pleadings.

iv. This format of the Bates identifier must remain consistent across all productions. The number of digits in the numeric portion and characters in the alphanumeric portion of the identifier should not change in subsequent productions, nor should spaces, hyphens, or other separators be added or deleted except as set out above.

1. If a response to discovery requires production of discoverable electronic information contained in a database, you may produce standard reports; that is, reports that can be generated in the ordinary course of business and without specialized programming. All such reports shall be produced in a delimited electronic format preserving field and record structures and names. If the request cannot be fully answered by production of standard reports, Producing Party should advise the Requesting Party of same so the parties may meet and confer regarding further programmatic database productions.
2. **Load Files**

Producing party shall furnish a delimited load file in industry-standard Opticon and Concordance formats supplying the metadata field values listed below for each item produced (to the extent the values exist and as applicable):

| **FIELD** | **DEFINITION** |
| --- | --- |
| CUSTODIAN | Name of person or source from which data was collected. \*\**Where redundant names occur, individuals should be distinguished by an initial which is kept constant throughout productions (e.g., Smith, John A. and Smith, John B.)* |
| ALL\_CUSTODIANS   | If deduplication employed, name(s) of any person(s) from whom the identical item was collected and deduplicated. |
| BEGBATES | Beginning Bates Number (production number) |
| ENDBATES | End Bates Number (production number) |
| BEGATTACH | First Bates number of first attachment in family range |
| ENDATTACH | Last Bates number of last attachment in family range (i.e. Bates number of the last page of the last attachment). |
| ATTACHCOUNT | Number of attachments to an e-mail. |
| ATTACHNAMES | Name of each individual attachment, separated by semi-colons. |
| PARENTBATES | BEGBATES number for the parent email of a family (will not be populated for documents that are not part of a family) |
| ATTACHBATES | Bates number from the first page of each attachment |
| PGCOUNT | Number of pages in the document |
| FILENAME | Original filename at the point of collection, without extension of native file |
| FILEEXTENSION | File extension of native file |
| FILESIZE | File Size |
| FILEPATH | File source path for all electronically collected documents and emails, which includes location, folder name, file name, and file source extension. |
| NATIVEFILELINK | For documents provided in native format only |
| TEXTPATH | File path for OCR or Extracted Text files |
| FROM | Sender |
| TO | Recipient |
| CC | Additional Recipients |
| BCC | Blind Additional Recipients |
| SUBJECT  | Subject line of e-mail.  |
| DATESENT (mm/dd/yyyy hh:mm:ss AM) | Date Sent  |
| EMAILDATSORT (mm/dd/yyyy hh:mm:ss AM) | Sent Date of the parent email (physically top email in a chain, i.e. immediate/direct parent email) |
| MSGID | Email system identifier assigned by the host email system.  |
| IRTID | E-mail In-Reply-To ID assigned by the host e-mail system.  |
| CONVERSATIONID | E-mail thread identifier. |
| HASHVALUE | MD5 Hash Value of production item |
| TITLE | Title provided by user within the document |
| AUTHOR | Creator of a document |
| DATECRTD (mm/dd/yyyy hh:mm:ss AM) | Creation date |
| LASTMODD (mm/dd/yyyy hh:mm:ss AM) | Last Modified Date  |

The chart above describes the metadata fields to be produced in generic, commonly used terms. You should adapt these to the specific types of electronic files you are producing to the extent such metadata fields are exist in the original ESI and can be extracted as part of the electronic data discovery process. Any ambiguity about a metadata field should be discussed with the Requesting Party prior to processing and production.