

UNITED STATES DISTRICT COURT

for the Northern District of Texas

Exxon Mobil Corporation
Plaintiff
v.
Maura Tracy Healey, Attorney General of Massachusetts, in her official capacity,
Defendant

Civil Action No. 4:16-CV-469-K

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Union of Concerned Scientists, Two Brattle Square, Cambridge, MA 02138-3780

(Name of person to whom this subpoena is directed)

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Exhibit A attached hereto.

Table with 2 columns: Place and Date and Time. Place: Fish & Richardson, One Marina Park Drive, Boston, MA 02210. Date and Time: 11/23/2016 5:00 pm

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Table with 2 columns: Place and Date and Time. Both fields are empty.

The following provisions of Fed. R. Civ. P. 45 are attached - Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 11 | 9 | 2016

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party)

Exxon Mobil Corporation, Justin Anderson, Paul, Weiss, 2001 K Street, NW, Washington, D.C. 20006, janderson@paulweiss.com, 202-223-7420

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 4:16-CV-469-K

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____ ; or

I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person, or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer, or
 - (ii) is commanded to attend a trial and would not incur substantial expense

(2) For Other Discovery. A subpoena may command

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person, and
- (B) inspection of premises at the premises to be inspected

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that

- (i) fails to allow a reasonable time to comply,
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c),
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies, or
- (iv) subjects a person to undue burden

(B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires

- (i) disclosing a trade secret or other confidential research, development, or commercial information, or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship, and
- (ii) ensures that the subpoenaed person will be reasonably compensated

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must

- (i) expressly make the claim, and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has, must not use or disclose the information until the claim is resolved, must take reasonable steps to retrieve the information if the party disclosed it before being notified, and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it

EXHIBIT A

EXHIBIT A

This subpoena calls for the recipient to produce the documents described under the heading "Requests" below in accordance with the accompanying "Definitions" and "Instructions."

DEFINITIONS

1. "And" and "or" shall be construed either disjunctively or conjunctively as to bring within the scope of the request all information or documents that might otherwise be construed to be outside of its scope.
2. "All" shall be construed to include "any" and "each," "any" shall be construed to include "all" and "each," and "each" shall be construed to include "all" and "any," in each case as is necessary to bring within the scope of these requests documents that might otherwise be construed as outside their scope.
3. The terms "all" and "each" shall be construed as all and each.
4. "Any" is used in its inclusive sense. For example, if a Request calls for "any communication that You had with the defendant," You should produce each and every communication with the defendant.
5. "Communication" means any conversation, discussion, letter, electronic mail ("email"), memorandum, meeting, note, or other transmittal of information or message, whether transmitted in writing, orally, electronically or by any other means, and shall include any document that abstracts, digests, transcribes, records, or reflects any of the foregoing. Except where otherwise stated, a request for "Communications" means a request for all communications.

6. "Concerning" means referring or relating to and includes without limitation analyzing, commenting on, comprising, connected with, constituting, containing, contradicting, describing, embodying, establishing, evidencing, memorializing, mentioning, pertaining to, recording, regarding, reflecting, responding to, setting forth, showing, or supporting, directly or indirectly.

7. "Custodian" means any person or entity that, as of the date of this Request for Production, maintained, possessed, or otherwise kept or controlled such document.

8. "Date" shall mean the exact date, month and year, if ascertainable or, if not, the best approximation of the date (based upon relationship with other events).

9. "Document" is used herein in the broadest sense of the term and means all records and other tangible media of expression of whatever nature however and wherever created, produced, or stored (manually, mechanically, electronically, or otherwise), including without limitation all versions whether draft or final, all annotated or nonconforming or other copies, email, instant messages, text messages, personal digital assistant or other wireless device messages, voicemail, calendars, date books, appointment books, diaries, books, papers, files, notes, confirmations, accounts statements, correspondence, memoranda, reports, records, journals, registers, analyses, plans, manuals, policies, telegrams, faxes, telexes, wires, telephone logs, telephone messages, message slips, minutes, notes, or records or transcriptions of conversations or communications or meetings, tape recordings, videotapes, disks, and other electronic media, microfilm, microfiche, storage devices, press releases, contracts, agreements, notices, and summaries. Any non-identical version of a document constitutes a separate

document within this definition, including without limitation drafts or copies bearing any notation, edit, comment, marginalia, underscoring, highlighting, marking, or any other alteration of any kind resulting in any difference between two or more otherwise identical documents. In the case of documents bearing any notation or other marking made by highlighting ink, the term document means the original version bearing the highlighting ink, which original must be produced as opposed to any copy thereof. Except where otherwise stated, a request for “documents” means a request for all such documents.

10. “Entity” means without limitation any corporation, company, limited liability company or corporation, partnership, limited partnership, association, or other firm or similar body, or any unit, division, agency, department, or similar subdivision thereof.

11. “Identify” means: (a) when referring to a person or persons, to state the name and present address or, if unknown, the last known address, telephone number, e-mail address, title and employer of such person or persons; (b) when referring to a firm, partnership, corporation, association or other entity, to state the full name, address and telephone number or, if unknown, the last known address and telephone number; (c) when referring to documents, to state, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) and recipient(s); (d) when referring to communications, to state, to the extent known, the (i) date of the communication; (ii) identity of the parties to the communication; (iii) means of transmission of the communication; and (iv) identity of all documents memorializing all or part of the communication. To the extent any responsive

communication is memorialized in a document, please produce a copy of the document for inspection and copying.

12. "Including" means "including without limitation."

13. "Information" shall be construed expansively and shall include, but not be limited to, facts, data, opinions, documents, communications, images, impressions, concepts and formulae.

14. "Person" includes any natural person, firm, partnership, joint venture, corporation, sole proprietorship, trust, union, association, federation, labor organizations, legal representatives, trustees, trustees in bankruptcy, receivers, business entities, any other form of business, governmental, public, charitable entity, or group of natural persons or such entities.

15. "Refer" means embody, refer or relate, in any manner, to the subject of the document request.

16. "Civil Investigative Demand" or "CID" means the civil investigative demand issued by the office of Defendant Attorney General Maura Healey to ExxonMobil on or about April 19, 2016.

17. "Common Interest Agreement" means the Climate Change Coalition Common Interest Agreement signed by individuals from the offices of the attorneys general for California, Connecticut, Illinois, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New Mexico, New York, Oregon, Rhode Island, Virginia, U.S. Virgin Islands, Vermont, Washington, and Washington, D.C., in April and May of 2016.

18. “Green 20” means the attorneys general for the States, Commonwealths, or Territories of California, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New Mexico, New York, Oregon, Rhode Island, the U.S. Virgin Islands, Vermont, Virginia, Washington, and Washington, D.C.; the Offices of these attorneys general; their directors, officers, employees, agents, representatives or other persons acting, or purporting to act, on their behalf, including, but not limited to, Assistant Attorneys General.

19. “Green 20 Press Conference” or “AGs United for Clean Power Press Conference” means the Press Conference attended by Defendant Attorney General Maura Healey and other members of the Green 20 on March 29, 2016.

20. “Investigation” means an actual or contemplated issuance of a subpoena, Civil Investigative Demand, or any other investigative process concerning purported violations of law related to climate change.

21. “You,” “Yours,” and/or “Yourself” mean Matthew F. Pawa, as well as Your employees, agents, representatives or other persons acting, or purporting to act, on Your behalf.

INSTRUCTIONS

22. Any ambiguity as to any Request shall be construed so as to require the production of the greater number of documents.

23. These Requests are continuing in nature under Federal Rule of Civil Procedure 26(e). Any document created or identified after service of any response to these Requests that would have been produced in response had the document then

existed or been identified shall promptly be produced whenever You find, locate, acquire, create, or become aware of such documents, up until the resolution of this lawsuit.

24. Each Request shall be responded to fully, unless it is in good faith objected to, in which event the reasons for the objection shall be stated with specificity. If an objection pertains only to a portion of a Request, or to a word, phrase, or clause contained in a Request, You shall state Your objection to that portion only and respond to the remainder of the request.

25. Documents that are produced should be identified according to which request they are responsive to, or in the order in which they are kept in the ordinary course of business. All documents that are physically attached to each other when located for production shall be left so attached. Documents that are segregated or separated from other Documents, whether by inclusion of binders, files, subfiles, or by use of dividers, tabs, clips, or any other method, shall be left so segregated or separated.

26. Where any copy of any document, the production of which is requested, is not identical to any other copy thereof, by reason of any alterations, marginal notes, comments, metadata, omissions, or material contained therein or attached thereto, or otherwise, all such non-identical copies shall be produced separately.

27. If any document responsive to these Requests has been destroyed, discarded, or lost, or is otherwise not capable of being produced, identify each such document and set forth the following information: (a) the date of the document; (b) a description of the subject matter of the document; (c) the name and address of each person who prepared, received, viewed, or had possession, custody, or control of the document; (d) the date when the document was destroyed, discarded, or lost; (e) the

identity of the person who directed that the document be destroyed, who directed that the document be discarded, or who lost the document; and (f) a statement of the reasons for and circumstances under which the document was destroyed, discarded, or lost.

28. If You withhold or redact any Document responsive to this Subpoena on ground of privilege or other legal doctrine, you shall contemporaneously submit with the Documents produced a statement in writing, stating: (a) the document control number(s) of the Document withheld or redacted; (b) the type of Document; (c) the date of the Document; (d) the author(s) and recipient(s) of the Document; (e) the general subject matter of the Document; and (f) the legal ground for withholding or redacting the Document. If the legal ground for withholding or redacting the Document is attorney-client privilege, you shall indicate the name of the attorney(s) whose legal advice is sought or provided in the Document.

29. You shall further certify that the document production is complete and correct in accordance with specifications of the attached Certification that Response is Complete and Correct form provided as Exhibit B.

30. Pursuant to Fed. R. Civ. P. 34(b)(1)(c), Plaintiff requests that all electronically stored information be produced in accordance with the "Requested Production Format" provided as Exhibit C.

31. Each request shall be deemed to include a request for all transmittal sheets, cover letters, exhibits, enclosures, and attachments to a document in addition to the Document itself, without abbreviation or expurgation.

32. If no documents or things exist that are responsive to a particular paragraph of these requests, so state in writing.

33. Unless otherwise stated in a specific request, these requests seek responsive information and documents authored, generated, disseminated, drafted, produced, reproduced, or otherwise created or distributed, concerning the period of January 1, 2012, through the date of production.

34. These requests call for the production of responsive documents within Your possession, custody, or control (including those on email servers not associated with the Union of Concerned Scientists), regardless of whether those documents were generated and/or are maintained by the Union of Concerned Scientists.

35. The foregoing Definitions and Instructions also apply to the Definitions and Instructions themselves.

**DOCUMENTS AND THINGS TO BE PRODUCED
BY UNION OF CONCERNED SCIENTISTS**

1. For the time period January 1, 2015 through May 1, 2016, any and all documents sufficient to identify attendees at any meetings concerning the Green 20 Press Conference on March 29, 2016.

2. Any and all documents, recordings, and/or other materials discussed or presented during any meetings concerning the Green 20 Press Conference, including the meetings with presentations by Peter Frumhoff, Matthew Pawa and/or the Union of Concerned Scientists including, as described above, any representative of the Union of Concerned Scientists.

3. For the time period January 1, 2015 through the date of production, any and all documents sufficient to show and identify any fees or expenses paid to former Vice President Al Gore in connection with his participation in or attendance at the Green 20 Press Conference.

4. Any and all documents and communications concerning the Common Interest Agreement entered into by members of the Green 20.

5. Any and all documents sufficient to show and identify any communications between the Union of Concerned Scientists, the Union of Concerned Scientists' agents, representatives, or employees and any Attorney General or their directors, officers, employees, agents, representatives or other persons acting, or purporting to act, on their behalf, including, but not limited to, Assistant Attorneys General, concerning the decision of an Attorney General regarding whether to investigate ExxonMobil. This request includes any communications in which the Union of Concerned Scientists advocated that an Attorney General initiate an investigation of ExxonMobil, participate in the Green 20 Press Conference, announce approval for or alignment with the investigation of ExxonMobil by any Attorney General, and/or collaborate, cooperate, or work in concert with Attorneys General who were or are investigating ExxonMobil.

6. Any and all documents, recordings, or other materials concerning any meetings regarding any investigation of ExxonMobil related to climate change that the Union of Concerned Scientists or a Union of Concerned Scientists' agent, employee, or representative attended, which was also attended by any Attorney General, or his/her directors, officers, employees, agents, representatives or other persons acting, or purporting to act, on his/her behalf, including, but not limited to, Assistant Attorneys General. This request includes, without limitation, video recordings, audio recordings, photographs, attendance logs, notes, and meeting minutes.

7. Any and all documents, recordings, or materials of any kind discussed or presented during any meeting concerning the conference entitled “Establishing Accountability for Climate Change Damages: Lessons from Tobacco Control” held in La Jolla, California from on or about June 14, 2012 to on or about June 15, 2012.

8. Any and all documents concerning the actual or anticipated participation of ExxonMobil or other fossil fuel companies or trade associations in the international Paris Climate Change Conference of December 2015.

9. Any and all documents concerning any shareholder resolution relating to climate change made at ExxonMobil’s annual shareholder meeting in either 2015 or 2016.

10. Any and all documents and communications concerning fundraising for candidates for political office, including fundraising for any member of the Green 20, and also concerning ExxonMobil.

11. Any and all communications between the Union of Concerned Scientists, the Union of Concerned Scientists’ agents, representatives, or employees and any member of the Green 20 concerning the mock trial referred to as “Exxon vs. The People” held in or around Montreuil, France on or about December 5, 2015.

12. Documents and records sufficient to identify the Union of Concerned Scientists’ document retention policy.

13. Documents and records sufficient to identify any and all documents or communications within the scope of these requests that were disposed of or destroyed since April 13, 2016.

EXHIBIT B

CERTIFICATION THAT RESPONSE IS CORRECT AND COMPLETE

I, _____, certify as follows:

1. I am employed by _____ in the position of _____;
2. The enclosed production of documents and responses were prepared and assembled under my personal supervision;
3. I made or caused to be made a diligent, complete and comprehensive search for all Documents and information requested by the Subpoena, in full accordance with the instructions and definitions set forth in the Subpoena;
4. The enclosed production of Documents and information requested by the Subpoena are complete and correct to the best of my knowledge and belief;
5. No Documents or information responsive to the Subpoena have been withheld from this production and response, other than responsive Documents or information withheld on the basis of a legal privilege or doctrine;
6. All responsive Documents or information withheld on the basis of a legal privilege or doctrine have been identified on a privilege log composed and produced in accordance with the instructions in the Subpoena;
7. The Documents contained in these productions and responses to the Subpoena are authentic, genuine and what they purport to be;
8. Attached is a true and accurate record of all persons who prepared and assembled any productions and responses to the Subpoena, all persons under whose personal supervision the preparation and assembly of productions and responses to the Subpoena occurred, and all persons able competently to testify: (a) that such productions and responses are complete and correct to the best of such person's knowledge and belief; and (b) that any Documents produced are authentic, genuine and what they purport to be; and
9. Attached is a true and accurate statement of those requests under the Subpoena as to which no responsive Documents were located in the course of the aforementioned search.

Signature: _____

Date: _____

Printed Name: _____

Address, e-mail and telephone number: _____

EXHIBIT C

REQUESTED PRODUCTION FORMAT

I. Overview

- A. All documents should be produced as Bates-stamped tagged image file format (“TIFF”) images along with an image load/cross reference file, a data load file with fielded metadata, and document-level extracted text for electronically stored information or optical character recognition (“OCR”) text for scanned hard copy documents. Details regarding requirements, including files to be delivered in native format, are below.

II. TIFF Image Requirements

- A. All documents should be produced as TIFF images in 300x300 dpi Group IV single-page monochrome format.
- B. All such images should be sequentially Bates-stamped.
- C. Images should include the following content where present:
 - 1. For word processing files (*e.g.*, Microsoft Word) – Comments and “track changes” (and similar in-line editing).
 - 2. For spreadsheet files (*e.g.*, Microsoft Excel) – Hidden columns, rows, and sheets; comments; and “track changes” (and similar in-line editing).
 - 3. For presentation files (*e.g.*, Microsoft PowerPoint) – Speaker notes and comments.

III. Native Format Requirements

- A. Spreadsheet files
 - 1. Spreadsheet files (*e.g.*, Microsoft Excel) should be provided in native format.
 - 2. In lieu of a TIFF image version of each spreadsheet file, a Bates-stamped single-page TIFF placeholder file should be produced along with the native format version of each file.
 - 3. When redaction is necessary, a redacted TIFF version may be produced; Paul Weiss reserves the right to request access to the native format versions of such files.
- B. Multimedia files
 - 1. Multimedia files (*e.g.*, Audio or video files) should be provided in native format.
 - 2. In lieu of a TIFF image version of each multimedia file, a Bates-stamped single-page TIFF placeholder file should be produced along with the native format version of each file.

C. Other files

1. In limited circumstances, it may be necessary to obtain or view the native format versions of files, including color documents/images and dynamic files such as databases. Paul, Weiss reserves the right to request access to the native format versions of such files.

IV. Image Load/Cross Reference File Requirements

- A. A single-page image load/cross reference file should be provided with each production.
- B. The file may be in either IPRO (.lfp) or Opticon (.opt) format as in the samples below (note that volume label information – “@MSC001” in the sample IPRO file and “MSC001” in the sample Opticon file – is optional):

Sample IPRO .lfp file

IM,MSC00000014,D,0,@MSC001;MSC\0000;00000014.TIF;2
IM,MSC00000015,,0,@MSC001; MSC\0000;00000015.TIF;2
IM,MSC00000016,D,0,@MSC001; MSC\0000;00000016.TIF;2
IM,MSC00000017,,0,@MSC001; MSC\0000;00000017.TIF;2

Sample Opticon .opt file

MSC000001,MSC001,MSC\0000\00000001.TIF,Y,,,3
MSC000002,MSC001,MSC\0000\00000002.TIF,,,,
MSC000003,MSC001,MSC\0000\00000003.TIF,,,,
MSC000004,MSC001,MSC\0000\00000004.TIF,Y,,,2
MSC000005,MSC001,MSC\0000\00000005.TIF,,,,

V. Data Load File and Extracted Text/OCR Requirements

- A. A data load file should be provided with each production.
- B. The file should be a Concordance-loadable data file, also known as a “DAT” file, and should contain Bates-stamp and metadata information as detailed below.
- C. Extracted text and/or OCR text should not be embedded in the DAT file but should rather be provided as separate, document-level text files. Document-level text file names should contain the beginning Bates number information of the document. If a document is provided in native format with a placeholder tiff, (e.g., spreadsheet files) the text file should contain the extracted text of the native file. OCR text should be included for redacted documents.
- D. The requested delimiters and qualifiers to be used in the DAT file are:

Record delimiter: Windows newline/Hard return (ASCII 10 followed by ASCII 13)

Field delimiter: □ (ASCII 20)

Multi-value delimiter: Semicolon ; (ASCII 59)

Text qualifier: Small thorn þ (ASCII 254)

- E. The DAT file should have a header line with field names and include the following fields:

Field	Comments
BegBates	Beginning Bates number
EndBates	Ending Bates number
BegRange	Bates number of first page of family range, <i>e.g.</i> , first page of an email.
EndRange	Bates number of last page of family range, <i>e.g.</i> , last page of last attachment to an email.
PageCount	Number of pages in document.
FileExtension	Loose files, attachments and email.
FileSize	Loose files, attachments and email (in bytes).
Title	Loose files and attachments only.
Custodian	Include field only if production is de-duped by custodian. Loose files, attachments, and email. Custodian full name formatted: LASTNAME, FIRSTNAME.
AllCustodian	Include field only if production is de-duped globally. Loose files, attachments, and emails. Full name of all custodians for whom the document is being produced formatted: LASTNAME, FIRSTNAME; LASTNAME, FIRSTNAME
Author	Loose files and attachments only.
From	Email only.
To	Email only.
CC	Email only.
BCC	Email only.
Subject	Email only.
DateCreated	Loose files and attachments only. MM/DD/YYYY
DateModified	Loose files and attachments only. MM/DD/YYYY
DateSent	Email only. MM/DD/YYYY
TimeSent	Email only. HH:MM:SS AM/PM
DateReceived	Email only. MM/DD/YYYY
TimeReceived	Email only. HH:MM:SS AM/PM
FilePath	Loose files. Original path to the file as maintained in the ordinary course of business.
FileName	Loose files and attachments. Name of file as maintained in the ordinary course of business.
FolderPath	Email only. Path within the mail container file (<i>e.g.</i> , PST file) to the message at collection time.
HiddenContent	For loose files and attachments only. List type of hidden content found in document (for content described in section II.C above)
TextPath	The path to the extracted text or OCR for the document, including the file name.

Field	Comments
NativePath	The path to the native-format file for the document, including the file name (if a native-format file is provided).

F. Two sample DAT files in the appropriate format when production is globally de-duped are below.

1. The following three entries are, respectively, the header row, a parent email, and a spreadsheet attachment:

```

bBatesPrefixbBeginning Bates NumberbEnding Bates NumberbBeginning Bates
RangebEnding Bates RangebPage CountbFile ExtensionbFile
SizebTitlebCustodianAllbAuthorbFrombTopbCCbBCCbSubjectbDate
CreatedbDate ModifiedbDate SentbTime SentbDate ReceivedbTime
ReceivedbFilePathbFilenamebFolderPathbHidden ContentbTextPathbNativePath

```

```

bSAMPLEb00000001b00000001b00000001b00000002b1bMSGb2354bSmith, John H.
bDoe, Jane W.; Doe, MarkbChecks
Payableb12/25/2008b9:30:01 AMb12/25/2008b9:30:11
AMbInbox\PayablebText\SAMPLE\0000\00000001.txtb

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bSAMPLEb00000002b00000002b00000001b00000002b1bpxlsb46444bAccount
s ReceivablebSmith, John H.bSmith, John
H.b12/22/2008b12/25/2008bHidden
budget.xlsbHidden
ColumnbText\SAMPLE\0000\00000002.txtbNatives\SAMPLE\0000\00000002.xlsb

```

2. In globally de-duped productions there will be instances where production of documents from additional custodians will include documents previously produced. The two entries below are, respectively, the header row, and an overlay row producing a new custodian's copy of an email previously produced:

```

bBatesPrefixbBeginning Bates NumberbEnding Bates NumberbBeginning Bates
RangebEnding Bates RangebPage CountbFile ExtensionbFile
SizebTitlebCustodianAllbAuthorbFrombTopbCCbBCCbSubjectbDate
CreatedbDate ModifiedbDate SentbTime SentbDate ReceivedbTime
ReceivedbFilePathbFilenamebFolderPathbHidden ContentbTextPathbNativePath

```

```

bSAMPLEb00000001b00000001b00000001b00000002b1bMSGb2354bSc
hmidt, Jane W.bInbox\Accts
PayablebText\SAMPLE\0000\00000001.txtb

```