

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

IN RE: POOL PRODUCTS DISTRIBUTION) MDL No. 2328
MARKET ANTITRUST LITIGATION) SECTION: R(2)
) JUDGE VANCE
) MAG. JUDGE WILKINSON

**PRETRIAL ORDER NO. 7
[Regarding Production of Documents and Electronic Data]**

Representatives of the Plaintiffs' Executive Committee and Defendants' Counsel have met and conferred on the procedures and format relating to the production of documents and electronically stored information ("ESI"), and have agreed on a format for all such productions. Accordingly, it is SO ORDERED:

1. Definitions.

a. "Document(s)" is defined to be synonymous in meaning and equal in scope to the usage of the term in Rule 34(a) of the Federal Rules of Civil Procedure and includes ESI existing in any medium from which information can be translated into reasonably usable form, including but not limited to email and attachments, word processing documents, spreadsheets, graphics, presentations, images, text files, databases, instant messages, transaction logs, audio and video files, voicemail, internet data, computer logs, text messages, or backup materials.

b. "Extracted Text" means the text extracted from a Native File and includes all header, footer and document body information.

c. “Load/Unitization file” means an electronic file containing information identifying a set of paper-scanned images or processed ESI and indicating where individual pages or files belong together as documents, including attachments, and where each document begins and ends. A Load/Unitization file will also contain data relevant to the individual Documents, including extracted and user-created Metadata, coded data, as well as OCR or Extracted Text.

d. “Metadata” means: (i) information embedded in a Native File that is not ordinarily viewable or printable from the application that generated, edited, or modified such Native File; and (ii) information generated automatically by the 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.

e. “Native File” means ESI in the file type for (or of) the application in which such ESI is normally created, viewed or modified.

f. “OCR” means the optical character recognition file that is created by software used in conjunction with a scanner that is capable of reading text-based documents and making such documents searchable using appropriate software.

g. “Static Image” means a representation of ESI produced by converting a Native File into a standard image format capable of being viewed and printed on standard computer systems. A Tagged Image File Format (TIFF) image is an example of a Static Image.

2. Applicability. This stipulation does not constitute a waiver, by any party, of any objection to the production of particular ESI as unduly burdensome or not reasonably accessible. This Stipulated Order shall not apply to any documents produced in this case that have been previously produced or that might be produced to any government entity, whether by

compulsion or otherwise. Any documents produced to any government entity that are produced in this case will be produced in the same format as those documents were produced to the government entity.

3. General Format of Production. The parties agree to produce documents either: (i) as electronic images with associated text files and Metadata or (ii) as a Native File. Production to Indirect Purchaser Plaintiffs' Liaison Counsel and one of Direct Purchaser Plaintiffs' Co-Liaison Counsel or Executive Committee Counsel as designated by them shall be deemed sufficient to constitute production to all Plaintiffs. Production to one of Defendants' Liaison Counsel or Defendants' Counsel as designated by them shall be deemed sufficient to constitute production to all Defendants.

4. ESI Production. With respect to production of ESI, the parties agree:

a. Native Files to Be Produced as Static Images.

i. Except as otherwise stated below, Native Files will be produced to the requesting party as Static Images together with Load/Unitization files specified below.

ii. All Static Images will be produced as single page Black & White, Group 4 TIFF (.TIF or .TIFF) files at 300 x 300 dpi resolution and 8.5 x 11 inch page size. However, if a color image is produced in black and white, the receiving party may request the producing party to produce the image in color, if necessary to understand the contents of the Document, or at the receiving party's cost.

iii. All Static Image file names shall match the control number assigned to the image.

b. Production of Native Files.

i. The parties agree to produce Native Files of spreadsheet

application files (*e.g.*, Microsoft Excel), presentation application files (*e.g.*, Microsoft PowerPoint), and multimedia audio/video files (*e.g.*, .wav, .mpeg, .avi). The parties shall meet and confer with respect to the form of production for audio and video files in non-standard formats or any files included in this sub-paragraph for which a claim of privilege exists.

ii. The parties will discuss any specialized databases (*e.g.*, Microsoft Access, SQL, SAP) that are responsive to the parties' requests and reach agreement on the most reasonable form of production before any such production is made. During the meet-and-confer process, the producing party shall provide information concerning the available database fields sufficient to determine what is the most reasonable form of production.

iii. Nothing in this paragraph constitutes a waiver of a right to object to the production of a Native File. In addition to production of Native Files under 4.b.i. above, a party, with good cause, may request that the Native File be produced corresponding to a Static Image. The parties will meet and confer about any request for production of any Native File corresponding to a produced Static Image. The request for production of any specific Native File shall include the control numbers of the TIFF documents to identify the corresponding Native File. Native Files will be named using the following convention: Control Number Confidentiality Designation (Original file name). So for illustrative purposes only: POOLMDL-001-0000001 Confidential (Original File Name.doc).

iv. In modification of paragraph 11 of Pretrial Order Number 1, which was entered by the Court on April 25, 2012, unless there is a written agreement of all parties or further order of the Court to the contrary, the parties agree to maintain and not destroy or delete, to the extent that they currently exist and contain information subject to preservation, documents and ESI created during the period from January 1, 2000 to December 31, 2011,

including e-mail, except transaction information shall be preserved during a period beginning January 1, 2000, to a date to be determined in the future, whether the documents and ESI are stored on back-up media, computer hard drives, servers, flash memory, DVDs, CDs, PDAs, or other physical media, unless a complete copy, including metadata for ESI, demonstrably otherwise exists that is reasonably accessible and reasonably usable. “Transaction information” means transaction-level detail of cost and sales data by any party.

c. Production of Searchable Text.

i. ESI shall be produced with multi-page searchable Extracted Text. For ESI from which text cannot be extracted or that contains redactions, OCR will be produced instead.

ii. Any such Extracted Text or OCR will be produced on a Document level as .TXT files, with the Text filename matching the control number applied to the first page of the corresponding image file followed by .TXT. Text files will be located in a directory named “TEXT” that is separate from the TIFF image.

d. Production of Load/Unitization Files.

i. There will be two Load/Unitization files accompanying all productions of ESI. One will be a Metadata import file, in .dat format, that contains the agreed-upon Metadata fields in UTF-8 encoding. The second data file will be a cross-reference file that contains the corresponding image information [IDX]. The acceptable formats for the cross-reference files are .log and .opt. Image load files should indicate page breaks. A path to the corresponding .TXT file shall be included as a field in the Metadata import file. The parties shall meet and confer to the extent reasonably necessary to facilitate the import and use of the produced materials with commercially available document management or litigation support

software.

ii. The appropriate Metadata import file will contain the Metadata fields detailed and described in Exhibit A to this Order and incorporated by reference, associated with each electronic Document (or their equivalent), to the extent the fields exist as electronic Metadata associated with the original electronic Documents or are created as part of the electronic data discovery process; provided, however, that any manually coded fields produced by the producing party will not be included as part of the Metadata import file. The attached list of fields does not create any obligation to create or manually code fields that are not automatically generated by the processing of the ESI or that do not exist as part of the original Metadata of the Document; provided however, the producing party must populate the SOURCE and CUSTODIAN fields for all produced ESI as well as paper Documents converted to electronic form.

iii. Any Native Files produced will be accompanied with a Metadata import file that shall contain (i) the full directory path and file names of the Native File as contained in the produced media and (ii) a uniform hash calculation field.

e. **Processing Specifications.**

i. The preferred time zone of processing ESI is GMT. Care should be taken, however, that any alteration of time zone during processing does not interfere with or alter original Metadata of that ESI. To the extent that a party has already processed ESI using a different time zone, the producing party will note the time zone used in its processing. Parties shall consistently produce all ESI processed using the same time zone.

ii. When processing ESI for review and for production in TIFF format, the producing party will instruct its vendor to force off Auto Date and force on track

changes, and comments.

f. **Encrypted or Password-Protected ESI.** For any ESI that exists in encrypted format or is password-protected, the producing party shall undertake reasonable efforts to provide the receiving party a means to gain access to the files. The parties shall meet and confer in an effort to supply passwords and other information that will enable the receiving party to obtain access.

g. **General.**

i. The producing party shall use reasonable efforts to avoid producing system and application files.

ii. All redactions of a Static Image should be clearly indicated on the Static Image.

iii. The parties may de-duplicate identical ESI by custodian or horizontally. If a producing party elects to de-duplicate horizontally, all custodians who were in possession of a de-duplicated Document must be identified in the CUSTODIAN_OTHER Metadata field specified in Exhibit "A," and all BCC recipients whose names would have been included in the BCC Metadata field but are excluded as the result of horizontal de-duplication, must be identified in the BCC_OTHER Metadata field specified in Exhibit "A."

5. **Hard-Copy (or Paper) Documents.** With respect to the production of hard-copy Documents, the parties agree:

a. **Hard Copy Documents Will Be Produced in Electronic Format.**

Hard-copy Documents shall be produced as image files with related OCR text to the extent such documents are converted into electronic format. At this time, each party contemplates converting all hard-copy documents into electronic images for production

purposes and agrees to address any exceptions with the other parties. The parties shall meet and confer to discuss Documents that present imaging or formatting problems. To the extent exceptions to the foregoing are required, the parties will meet and confer to discuss alternative production requirements, concerns, or formats.

b. Document Unitization.

To the extent possible and on a going-forward basis, the parties will endeavor to apply unitization practices consistent with the following description. Each page of a hard-copy Document shall be scanned into an image and, if a Document is more than one page, the unitization of the Document and any attachments shall be maintained as it existed in the original when creating the image file. For Documents that contain affixed notes, the pages will be scanned both with and without the notes and those pages will be treated as part of the same Document. The relationship of Documents in a Document collection (*e.g.*, cover letter and enclosures, e-mail and attachments, binder containing multiple Documents, or other Documents where a parent-child relationship exists between the documents) shall be maintained through the scanning or conversion process. If more than one level of parent-child relationship exists, Documents will be kept in order, but all will be treated as children of the initial parent Document. Such information shall be produced in the load file in a manner to enable the parent-child relationship among Documents in a Document collection to be reconstituted by the receiving party in commercially available Document management software, such as Concordance.

6. Control Numbering. The parties agree to produce Static Images with a legible, unique control number electronically “burned” onto the image at a location that does not obliterate, conceal, or interfere with any information from the source Document. No other

legend or stamp will be placed on the Static Image other than a confidentiality legend (where applicable), redactions (consistent with any protective order entered in this matter), and the control number identified above. Confidentiality legends shall be “burned” onto the Static Image at a location that does not obliterate or obscure any information from the source Document. The parties shall identify Native Files that are produced in accordance with the convention set forth in paragraph 4.b.iii.

7. **File Naming Conventions.** Each page image file shall be named with the unique control number of the page of the Document, followed by the extension “.TIF”. In the event the control number contains a symbol or character that cannot be included in a file name, the symbol or character will be omitted from the file name.

8. **Production Media.** The parties agree to produce documents on CD-ROM, DVD, external hard drive, or such other readily accessible computer or electronic media on which the parties may hereafter agree (the “Production Media”). Each item of Production Media shall identify a production number corresponding to the production “wave” and identify on the Production Media who the producing party is (*e.g.*, for Pool, “POL001”; “POL002”), as well as the volume of the material in that production wave (*e.g.*, “-001”; “-002”). For example, if the first production wave by a Defendant comprises images on three hard drives, it shall label each hard drive in the following manner in numeric sequence: (*e.g.*, for Pool, “POL001-001”; “POL001-002”; “POL001-003.”). Additional information that shall be identified on the physical Production Media shall include: (1) the case number of the case in which it is produced, (2) the producing party’s name, and (3) the production date. The type (*e.g.*, “Documents”, “OCR Text”, etc.) and the control number range of the materials on the Production Media shall also be contained on the Production Media, but, where not

practicable to do so, may be provided in an accompanying letter.

9. **Original Documents.** The producing parties will retain the original Documents. Subject to preservation of appropriate privileges and other protections, the parties will consider reasonable requests, after any necessary meet-and-confer, to produce the original copy of specific Documents or groups of Documents, or, where a Document existed originally only in hard-copy format, to make originals of any produced hard-copy Document available for inspection by the requesting party in the form in which such Documents are kept in the ordinary course of business.

10. **Costs of Production.** Each party shall bear its own costs of production.

11. **Dispute Resolution.** To expedite discovery of documents, and to reduce costs, the parties will discuss and attempt in good faith to resolve all issues before bringing them to the Court.

ORDERED AND ADJUDGED this 3rd day of July, 2012.



SARAH VANCE
UNITED STATES DISTRICT JUDGE

The undersigned consent to the entry of this
Proposed Order

Dated: June 29, 2012

Respectfully submitted,

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Exhibit A**Metadata Fields for Production**

Metadata field names may vary depending on the application that generates them. For example, Microsoft Outlook creates different Metadata field names than does Lotus Notes. Accordingly, the chart below describes the Metadata fields in generic, commonly used terms that the producing party is to adapt to the specific types of ESI it is producing, to the extent such Metadata fields exist associated with the original electronic documents or are automatically generated as part of the electronic data discovery process. Any ambiguity about a Metadata field is to be discussed with the receiving party prior to processing the subject ESI for production.

Field Name	Specification Field Name	Field Type	Length	Description (E-Mail)	Description (E-Files/ Attachments)
BEGDOC	Unique ID	Paragraph	Unlimited	The Document ID number associated with the first page of a document.	The Document ID number associated with the first page of a document.
ENDDOC	Unique ID	Paragraph	Unlimited	The Document ID number associated with the last page of a document.	The Document ID number associated with the last page of a document.
BEGATTACH	Unique ID Parent-Child Relationships	Paragraph	Unlimited	The Document ID number associated with the first page of a document.	The Document ID number associated with the first page of a parent document.
ENDATTACH	Unique ID Parent-Child Relationships	Paragraph	Unlimited	The Document associated with the last page of the last	The Document ID associated with the last page of the last attachment to a

				attachment.	parent document.
DOCPAGES	Pages	Paragraph	Unlimited	The number of pages for a document.	The number of pages for a document.
RECORDTYPE		Paragraph	Unlimited	The record type of a document (e.g., e-mail).	The record type of a document (e.g. attachment, e-file, etc.)
MASTER_DATE		Date	MM/DD/YYYY	The date of a parent document (GMT)	The date of a parent document (GMT). For attachments to e-mails, this field will be populated with the date sent of the e-mail transmitting the attachment.
SENTON_TIME	Time Sent	Paragraph	Unlimited	The time a document was sent (GMT).	
CREATE_DATE	Date Created	Date	MM/DD/YYYY		The date a document was created (GMT).
CREATE_TIME	Time Created	Paragraph	Unlimited		The time a document was created (GMT).
LASTMOD_DATE	Date Last Modified	Date	MM/DD/YYYY		The date the document was last modified (GMT).
LASTMOD_TIME	Time Last Modified	Paragraph	Unlimited		The time the document was last modified (GMT).
RECEIVED_TIME	Time Received	Paragraph	Unlimited	The time a document was received (GMT).	
RECEIVED_DATE	Date Received	Date	MM/DD/YYYY	The date a document was	

				received (GMT).	
PARENTFOLDER	File Path Folder Name	Paragraph	Unlimited	Denotes the folder information for a document.	Denotes the full path of a document.
AUTHOR	Author Display Name (e-mail)	Paragraph	Unlimited	The display name of the author of an e-mail.	The author of a document from entered metadata.
TO	Recipient	Paragraph	Unlimited	The display name of the recipient(s) of a document.	
CC	CC	Paragraph	Unlimited	The display name of the copyee(s) of a document.	
BCC	BCC	Paragraph	Unlimited	The display name of the blind copyee(s) of a document.	
BCC_OTHER	BCC	Paragraph	Unlimited	The display name of the blind copyee(s) excluded as a result of horizontal de-duplication	
SUBJECT	Subject (e-mail)	Paragraph	Unlimited	The subject of a document.	The subject of a document from entered metadata.

SOURCE	Original Name	Paragraph	Unlimited	The file name of an e-mail store (e.g., Outlook.pst, MyMail.nsf, etc.)	The file name of a document store (e.g., personal folders, desktop folders, etc.)
CUSTODIAN	Custodian	Paragraph	Unlimited	The custodian of an email.	The custodian of a document.
CUSTODIAN_OTHER	Custodian	Paragraph	Unlimited	The custodian of an email excluded as a result of de-duplication	The custodian of a document excluded as a result of de-duplication
NATIVEPATH		Paragraph	Unlimited	The full path to a native copy of a document (if applicable).	The full path to a native copy of a document (if applicable).
ATTACHCOUNT	Numbered Attachments	Paragraph	Unlimited	The number of attachments to a document.	The number of attachments to a document.
FILEEXT	File Extension	Paragraph	Unlimited	The file extension of a document.	The file extension of a document.
FILENAME	Original Name	Paragraph	Unlimited		The file name of a document.
FILETYPE	File Type	Paragraph	Unlimited	The file type of a document.	The file type of a document.
FILESIZE	File Size	Paragraph	Unlimited	The file size of a document (including embedded attachments).	The file size of a document (including embedded attachments).
MD5HASH	MD5 Hash	Paragraph	Unlimited	The MD5 Hash value or “de-duplication key” assigned to a document.	The MD5 Hash value or “de-duplication key” assigned to a document.

FULLTEXT	Text	Paragraph	Unlimited	The full text of the e-mail for OCR or extracted text.	The full text of the e-file/attachment for OCR or extracted text.
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