

## 7.07 E-Discovery

Electronically stored information (“ESI”) is data that is created, altered, communicated, and stored in digital form. If the parties reasonably anticipate a likelihood of discovery of ESI, counsel for the parties—or, if proceeding *pro se*, the parties themselves—shall meet and confer prior to or no later than ten (10) days after propounding any requests for production to address:

- a) the sources and types of ESI to be exchanged, including the use of search terms, date restrictions, custodian identities, and other strategies to reasonably limit the scope of ESI to be collected, reviewed, and produced, as well as information that is not readily accessible;
- b) the format of the electronic production (*e.g.*, native files, TIFF or searchable PDF, etc.) or, upon written agreement of the parties or a showing to the Court that electronic production would unduly burden the producing party, the format of paper production;
- c) the steps the parties will take to segregate and preserve relevant ESI;
- d) the procedures to be used if privileged ESI is inadvertently disclosed; and
- e) the allocation of costs associated with gathering, producing, and preserving the ESI.

The Court expects the parties to reach a written agreement as to how discovery of ESI is conducted, which shall include items (a)–(e). If the parties cannot agree after the above conference, then a party may move for a conference with the Court, including in the motion a certification of compliance with this local rule, a specific description of what is in dispute, and how each party proposes to conduct such discovery.