

MDL NO. 14-0169

IN RE STATE FARM LLOYDS
HIDALGO COUNTY HAIL STORM
LITIGATION

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IN THE DISTRICT COURT OF

HIDALGO COUNTY, TEXAS

206TH JUDICIAL DISTRICT

**ORDER ADOPTING RECOMMENDATION NO. 4 (SF) OF SPECIAL MASTER
REGARDING CASE MANAGEMENT ORDER NO. 3**

On this day, the Court having received the Recommendation No. 4 (SF) of Special Master Roberto L. Ramirez regarding *Case Management Order No. 3*, hereby approves such Recommendation and

IT IS THEREFORE ORDERED that the Court adopts the Recommendation of the Special Master attached hereto as Exhibit "A" and hereby enters Case Management Order No. 3.

IT IS SO ORDERED.

SIGNED and ENTERED this the _____ day of 10/17/2014, 2014.



Hon. Judge Rose Guerra Reyna
Special Master

MDL NO. 14-0169

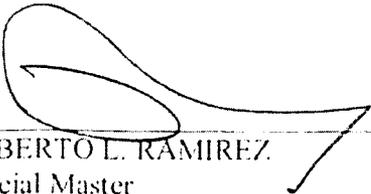
IN RE STATE FARM LLOYDS	§	IN THE DISTRICT COURT OF
HIDALGO COUNTY HAIL STORM	§	
LITIGATION	§	HIDALGO COUNTY, TEXAS
	§	
	§	
	§	206TH JUDICIAL DISTRICT

**RECOMMENDATION NO. 4 (SF) OF SPECIAL MASTER REGARDING ADOPTION
OF CASE MANAGEMENT ORDER NO. 3**

Pursuant to my appointment as Special Master in the above-referenced MDL proceedings, I hereby recommend that the following Case Management Order No. 3, Exhibit "A" attached hereto, to be utilized in these proceedings.

IT IS SO RECOMMENDED.

SIGNED this the 1st day of October, 2014.



ROBERTO L. RAMIREZ
Special Master

Exhibit "A"

MDL NO. 14-0169

IN RE STATE FARM LLOYDS
HIDALGO COUNTY HAIL STORM
LITIGATION

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IN THE DISTRICT COURT OF

HIDALGO COUNTY, TEXAS

206TH JUDICIAL DISTRICT

MDL CASE MANAGEMENT ORDER No. 3

I.
SCOPE OF ORDER

This Case Management Order Relating to Utilization of Definitions in Plaintiffs' Master Discovery Set, attached hereto as Exhibit A, and Production Protocol for Electronically Stored Information (ESI), attached hereto as Exhibit B, applies to all hail storm cases stemming from the March 29, 2012 or April 20, 2012 hailstorms that occurred in Hidalgo County, Texas and any tag-along cases transferred to this Court pursuant to Rule 13 of the Rules of Judicial Administration.

II.
NOTICE

Immediately upon serving discovery in any related case, Plaintiff(s) shall provide notice to all other parties and/or their counsel of this CMO. To the extent discovery has been previously served upon a party consistent with prior Case Management Orders of this Court, each party shall be notified of its obligations consistent with this CMO.

IT IS SO ORDERED.

SIGNED and ENTERED this the _____ day of _____ 2014.

Hon. Judge Rose Guerra Reyna



EXHIBIT "A"

DEFINITIONS APPLICABLE TO PLAINTIFFS' MASTER DISCOVERY TO DEFENDANTS

The following definitions shall have the following meanings, unless the context of the discovery request requires otherwise:

1. "Document" means any textual, visual and auditory information items in all forms in which they are stored and/or communicated.
2. "Person" means an individual, corporation, association, partnership, reciprocal or interinsurance exchange, Lloyd's plan, fraternal benefit society, agent, broker, adjuster, contractor/estimator, engineer, independent contractor, or employee.
3. "Handle", "handled", "handling", and/or "worked on" - any person, as defined above, that made a decision, investigated, adjusted, consulted, supervised, managed, settled, approved, provided information or otherwise performed a task relating to the claims made the basis of this lawsuit, excluding persons performing purely ministerial or clerical tasks.
4. "Policy" refers to the policy of insurance in effect on the date that the loss made the basis of this lawsuit occurred.
5. "Property" refers to the residence, dwelling, other structures, and personal property covered by the Policy, as defined above, made the basis of this lawsuit.
6. "Hidalgo County Hailstorm" and/or "March 29, 2012 and/or April 20, 2012 hail and windstorms" refer to the hail and/or windstorms that occurred during the month of March and April of 2012 in Hidalgo County and surrounding areas.
7. "Describe", when referring to a document, is defined to require that you state the following:
 - a. The nature (e.g., letter, handwritten note) of the document;
 - b. The title or heading that appears on the document;
 - c. The date of the document and the date of each addendum supplement, or other addition or change;
 - d. The identity of the author and of the signer of the document, and of the person on whose behalf or at whose request or direction the document was prepared or delivered;
 - e. The present location of the document, and the name, address, position, or title, and telephone number of the person or person having custody of the document.

EXHIBIT "B"

PRODUCTION PROTOCOL

1. "Information items" as used here encompass individual documents and records (including associated metadata) whether on paper or film, as discrete "files" stored electronically, optically or magnetically or as a record within a database, archive or container file. The term should be read broadly to include e-mail, messaging, word processed documents, digital presentations and spreadsheets.
2. Consistent with Tex. R. Civ. P. 196.4, responsive electronically stored information (ESI) shall be produced in its native form; that is, in the form in which the information was customarily created, used and stored by the native application employed by the producing party in the ordinary course of business. The producing party shall not produce in a format not requested and later assert that production as a basis of not producing in the requested format, except upon agreement by the parties prior to production or ordered by the Court. The parties are reminded of their obligation to confer and to make reasonable efforts to resolve disputes regarding production without court intervention. See *In re Weekley Homes, L.P.*, 295 S.W. 3d 309 (Tex. 2009); Tex. R. Civ.P. 192.4(b).
3. If it is infeasible to produce an item of responsive ESI in its native form, it may be produced in an agreed-upon near-native form; that is, in a form in which the item can be imported into the native application without a material loss of content, structure or functionality as compared to the native form. Static image production formats serve as near-native alternatives only for information items that are natively static images (*i.e.*, photographs and scans of hard-copy documents).
4. The table below supplies examples of agreed-upon native or near-native forms in which specific types of ESI should be produced:

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. For Lotus Notes mail, furnish .NSF files or convert to

	.PST. 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.
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5. Absent a showing of need, a party shall produce responsive information reports contained in databases through the use of standard reports; that is, reports that can be generated in the ordinary course of business and without specialized programming efforts beyond those necessary to generate standard reports. All such reports shall be produced in a delimited electronic format preserving field and record structures and names. The parties will meet and confer regarding programmatic database productions as necessary.
6. Information items that are paper documents or that require 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 information item contains color, 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.
7. Parties shall take reasonable steps to ensure that text extraction methods produce usable, accurate and complete searchable text.
8. Individual information items requiring redaction shall (as feasible) be redacted natively, produced in .PDF format and redacted using the Adobe Acrobat redaction feature or redacted and produced in a format that does not serve to downgrade the ability to electronically search the unredacted portions of the item. Bates identifiers should be endorsed on the lower right corner of all images, but not so as to obscure content.
9. Upon a showing of need, a producing party shall make a reasonable effort to locate and produce the native counterpart(s) of any unredacted .PDF or .TIF document produced. The parties agree to meet and confer regarding production of any such documents. This provision shall not serve to require a producing party to reveal redacted content.
10. Except as set out in this Protocol, a party need not produce identical information items in more than one form and shall globally de-duplicate identical items across custodians using each document's unique MD5 hash value. The content, metadata and utility of an information item shall all be considered in determining whether information items are identical, and items reflecting different information shall not be deemed identical.
11. Production should be made on CD, DVD or hard drive(s) using the medium requiring the least number of deliverables. Label all media with the case number, production date, Bates range and disk number (1 of X, if applicable). Organize productions by custodian, unless otherwise instructed. All documents from an individual custodian should be

confined to a single load file. All productions should be encrypted for transmission to the receiving party. The producing party shall, contemporaneously with production, supply decryption credentials and passwords to the receiving party for all items produced in an encrypted or password-protected form.

12. Each information item produced shall be identified by naming the item to correspond to a Bates identifier according to the following protocol:

i. The first four (4) characters of the filename will reflect a unique alphanumeric designation identifying the party making production;

ii. The next six (6) characters will be a designation reserved to the discretionary use of the party making production for the purpose of, e.g., denoting the case or matter. This value shall be padded with leading zeroes as needed to preserve its length;

iii. The next nine (9) 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;

iv. 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.

v. By way of example, a Microsoft Word document produced by State Farm in its native format might be named: STFM0VHAIL000000123.docx. Were the document printed out for use in deposition, page six of the printed item must be embossed with the unique identifier STFM_VHAIL000000123_00006. Bates identifiers should be endorsed on the lower right corner of all printed pages, but not so as to obscure content.

vi. 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.

13. Information items designated Confidential may, at the Producing Party's option:

a. Be separately produced on electronic production media prominently labeled to comply with the requirements of the _____, 2014 Protective Order entered in this matter; or, alternatively,

b. Each such designated information item shall have appended to the file's name (immediately following its Bates identifier) the following protective legend:
-CONFIDENTIAL-SUBJ_TO_PROTECTIVE_ORDER_IN_CAUSE_MDL-14-0169

When any item so designated is converted to a printed or imaged format for use in any submission or proceeding, the printout or page image shall bear the protective legend on each page in a clear and conspicuous manner, but not so as to obscure content.

14. Producing party shall furnish a delimited load file supplying the metadata field values listed below for each information item produced (to the extent the values exist and as applicable):

Field Name	Sample Data	Description
BegBates	STFM0VHAIL000000001	First Bates identifier of item
EndBates	STFM0VHAIL000000123	Last Bates identifier of item
AttRange	STFM0VHAIL000000124 - STFM0VHAIL000000130	Bates identifier of the first page of the parent document to the Bates identifier of the last page of the last attachment "child" document
BegAttach	STFM0VHAIL000000124	First Bates identifier of attachment range
EndAttach	STFM0VHAIL000000130	Last Bates identifier of attachment range
Parent_Bates	STFM0VHAIL000000001	First Bates identifier of parent document/e-mail message. **This Parent_Bates field should be populated in each record representing an attachment "child" document. **
Child_Bates	STFM0VHAIL000000004; STFM0VHAIL000000012; STFM0VHAIL000000027	First Bates identifier of "child" attachment(s); may be more than one Bates number listed depending on number of attachments. **The Child_Bates field should be populated in each record representing a "parent" document. **
Custodian	Houston, Sam	E-mail: mailbox where the email resided. Native: Individual from whom the document originated
Path	E-mail: \Deleted Items\Battles\ SunJac.msg Native: Z:\TravisWB\Alamo.docx	E-mail: Original location of e-mail including original file name. Native: Path where native file document was stored including original file name.
From	GuerreroJ@hotmail.com; David Crockett [mailto: Davy@Crockett.net]	E-mail: Sender Native: Author(s) of document **semi-colons separate multiple entries **
To	Genl. A.L. de Santa Anna	Recipient(s) **semi-colons separate multiple entries **
CC	Jim.Bowie@bigknife.com	Carbon copy recipient(s) **semi-colons separate multiple entries **
BCC	AustinSF@state.tx.gov	Blind carbon copy recipient(s) **semi-colons separate multiple entries **
Date Sent	03/18/2014	E-mail: Date the email was sent
Time Sent	11:45 AM	E-mail: Time the message was sent
Subject/Title	Remember the Alamo!	E-mail: Subject line of the message
IntMsgID	<A1315BC17ABD4774BF779CB3E 3F62B9B@gmail.com>	E-mail: For e-mail in Microsoft Outlook/Exchange, the "Unique Message ID" field; For e-mail in Lotus Notes, the UNID field. Native: empty.
Date_Mod	02/23/1836	E-mail: empty. Native: Last Modified Date
Time_Mod	01:42 PM	E-mail: empty Native: Last Modified Time

File_Type	XLSX	E-mail: empty Native: file type
Redacted	Y	Denotes that item has been redacted as containing privileged content (yes/no).
File_Size	1,836	Size of native file document/email in KB.
HiddenCnt	N	Denotes presence of hidden Content/Embedded Objects in item(s) (yes/no)
Confidential	Y	Denotes that item has been designated as confidential pursuant to protective order (yes/no).
MD5_Hash	eb71a966deddb929c1055f2f1eed5b	MD5 Hash value of the item.
DeDuped	E-mail: \Inbox\SanJac.msg Native: Z:\Crockett\Alamo.docx	Full path of other instances de-duplicated by MD5 hash **semi-colons separate multiple entries **

15. Each production should include a cross-reference load file that correlates the various files, images, metadata field values and searchable text produced.
16. Parties shall respond to each request for production by listing the Bates numbers/ranges of responsive documents produced, and where an information item responsive to these discovery requests has been withheld or redacted on a claim that it is privileged, the producing party shall furnish a privilege log in accordance with Texas Rule of Civil Procedure 193.3.