PRESENT: Hon. _____ Date ____/_____20___

NEW YORK STATE SUPREME COURT
COUNTY OF _____

Plaintiff(s) -against- Defendant(s)	Index No:_____/____ **Electronic Discovery Order**

One or more of the parties to this litigation have indicated that they believe relevant information is stored in electronic format and that this content is responsive to current or anticipated discovery requests. Accordingly, it is Ordered that:

(1) **Meet and Confer.** Pursuant to Uniform Trial Court Rule 202.12(c)(3) [22 NYCRR 202.12(c)(3)] and Uniform Commercial Division Rule 8(b) [22 NYCRR 202.70(g)(8)(b)], counsel certify that they have fulfilled their requirement to have met and conferred regarding certain matters relating to electronic discovery, before the Preliminary Conference. Counsel hereby certify that: 1) pursuant to 22 NYCRR 202.12(b), that to the extent they believe this case is reasonably likely to include electronic discovery, they are sufficiently versed in matters relating to their clients' technological systems to discuss competently all issues relating to electronic discovery or have brought someone to address these issues on their behalf; and 2) that pursuant to 22NYCRR 202.12(c)(3), that have met and conferred to discuss these issues.

Date(s) of parties meet and confer conference(s): _____

The following constitutes the final agreement between the parties to all matters concerning electronic discovery:

Party: _____ By: _____

Party: _____ By: _____

Party: _____ By: _____

Party: _____ By: _____

(2) **Unresolved Issues:** After the completion of a meet and confer conference the following issues remain outstanding and require court interventions: ☐ Preservation; ☐ Production; ☐ Privileged documents; ☐ Inadvertent production; and ☐ Other (please specify _____).

(3) **Summary of Dispute**. Pursuant to 22 NYCRR 202.12(c)(1) and to the extent not already provided in other portions of the preliminary conference order, briefly describe the factual and legal issues raised in the pleadings of this litigation:

(a) Plaintiffs' legal theory, claims / counterclaim defenses :

Amount Demanded $_____

(b) Defendant _____ legal theory, defenses, counterclaims and third party claims:

_____

Amount Demanded on the Counterclaim/Cross-Claim $_____

(c) Defendant _____ legal theory, defenses, counterclaims and third party claims:

_____

Amount Demanded on the Counterclaim/Cross-Claim $_____

Use additional sheets if necessary

Please combine if this applies to multiple parties

(4) **Preservation (22 NYCRR 202.12(c)(3)(a),(c) and (g)-(i))**

(a) The parties have discussed and agree to the following scope and methods for preservation of electronically stored information, including but not limited to retention of electronic data and implementation of a data preservation plan; identification of relevant data; disclosure of the programs and manner in which the data is maintained; identification of computer system(s) utilized; and identification of the individual(s) responsible for data preservation:

(b) The parties anticipate the need for judicial intervention regarding the following issues concerning the scope and methods of preserving electronically stored information:

(1) **Production**. **22 NYCRR 202.12(c)(3)(e),(d)**

(a) Pursuant to 22 NYCRR 202.12(c)(3)(e), the parties have determined the following shall sufficiently define the scope, extent and form of production:

(b) Exceptions to general production format:

(c) The parties anticipate the need for judicial intervention regarding the following issues concerning the scope, extent and form of production:

(d) **Privileged documents**.

(1) **Identification.** Pursuant to 22 NYCRR 202.12(c)(3)(d), the parties have agreed to the following method for the identification (including logging) and redaction of privileged documents:

(2) **Inadvertent Production / Claw-back agreements.** To the extent the parties have agreed, the following is the protocol for the inadvertent production of privileged materials:

(e) **Cost of Production.** The parties have analyzed their client's data repositories and pursuant to 22 NYCRR 202(c)(3)(f) and have estimated the costs associated with the production of electronic material. The drives and components underlying each of those costs are as follows :

(1) **Cost**

(2) **Allocation:** Pursuant to 22 NYCRR 202(c)(3)(f) the allocation of the cost of production shall be as follows:

(f) **Other Issues**:

Dated: _____, 20___

SO ORDERED:

_____

J.S.C