

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE: GADOLINIUM BASED  
CONTRAST AGENTS PRODUCTS  
LIABILITY LITIGATION

Case No. 1:08 GD 50000

MDL No. 1909

Judge Dan Aaron Polster

~~PROPOSED~~

**CASE MANAGEMENT ORDER NO. 7:**

**ORDER REGARDING FORMAT OF  
PRODUCTION BY DEFENDANTS**

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THIS DOCUMENT APPLIES TO ALL  
CASES:  
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1. General Format of Production. Except as limited in this paragraph, all documents that originally existed in electronic or hard-copy form that are produced in these proceedings shall be produced in electronic image form in the manner provided herein. To the extent exceptions to foregoing are required, the parties will meet and confer to discuss alternative production requirements, concerns, or formats. Each document produced pursuant to this Order shall convey the same information in the electronic image(s) produced as the original document. Documents that present imaging or formatting problems shall be promptly identified and the parties shall meet and confer to attempt to resolve the problems.

2. Document Image Format. All production document images will be provided as single-page Tagged Image File Format (“TIFFs” or “.tiff format”). All images generated from hard copy documents shall be scanned as black and white images at 300 d.p.i. resolution and shall be saved and produced in a Group 4 compression single-page “TIFF” format and reflect, without visual degradation, the full and complete information contained on the original

document. All images generated from native electronic documents shall be saved electronically (or “printed”) in a Group 4 compression single-page “TIFF” image that reflects the full and complete information contained on the original document. Defendants shall produce a “load file” to accompany the images, which load file shall include information about where each document begins and ends to facilitate the use of the produced images through a document management or litigation support database system. 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 such as Summation or Concordance.

3. Document Unitization. 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 fixed 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, email 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 to Plaintiffs in the load file and Objective Coding, as hereafter defined, in a manner to enable the parent-child relationship among documents in a document collection to be reconstituted by Plaintiffs in commercially available document management software, such as Concordance and Summation.

4. Color. If an original document contains color, Defendants shall honor reasonable requests for either the production of an original document for inspection and copying or production of a color image of the document.

5. Duplicates. Where a single document custodian has more than one identical copy of a document (i.e., the documents are visually the same and contain the same electronic text), Defendants need only produce a single copy of that document. Each Defendant and Plaintiffs will meet and confer, prior to the production of documents, regarding the de-duplication of documents across custodians. Further, if a duplicate document exists that is part of a document family, the duplicate will only be removed, pursuant to the terms of this paragraph, if the entire family is removed as a duplicate, i.e. a single document will not be removed from a family even if it is a duplicate.

6. Bates Numbering. Each page of a produced document shall have a legible, unique page identifier (“Bates 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 document image other than a confidentiality legend (where applicable), redactions and redaction reason (consistent with the Stipulated Protective Order in this matter), and the Bates Number identified above. The confidential legend shall be “burned” onto the document’s image at a location that does not obliterate or obscure any information from the source document.

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

8. Production Media. Defendants shall produce documents on CD-ROM, DVD, external hard drive, or such other readily accessible computer or electronic media as the parties may hereafter agree upon (the “Production Media”). Each piece of Production Media shall identify a production number corresponding to the production “wave” the documents and the Defendant on the Production Media are associated with (e.g., for GE Healthcare, Inc. “GEHC001”; “GEHC002”), 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 document images on three hard drives, Defendant shall label each hard drive in the following manner in numeric sequence: (e.g. for GE Healthcare Inc., “GEHC001-001”; “GEHC001-002”; “GEHC001-003.”) 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 of materials on the media (e.g., “Documents”, “OCR Text”, “Objective Coding”, etc.) and the Bates Number range(s) of the materials on the Production Media shall also be contained on the Production Media, and where not practicable to do so may be provided in an accompanying letter.

9. Meta-Data and Objective Coding. Defendants will produce meta-data and objective coding information as described below with each production. Defendants may review and, where necessary, revise or redact objective coding if it contains privileged or work product information. Nothing herein shall be construed to require Defendants to produce or provide any information that is privileged or work product information. For images generated from native electronic documents, Defendants shall produce with each production of documents an ASCII text file, appropriately delimited, setting forth the meta-data electronically extracted from each document corresponding to the fields in Exhibit A to this Order (where available). If a

Defendant who produces the documents (“Producing Defendant”) chooses to objectively code certain hard-copy documents for its own respective use, then with each production of such documents, Defendant shall produce an ASCII text file, appropriately delimited, setting forth the objective coding for each document. The data file will include the fields and type of content set forth on Exhibit A, if available. If Producing Defendant chooses to objectively code certain hard copy documents after the production of such documents, the Producing Defendant shall provide the objective coding to the other parties as soon as it is available. The objective coding, if any, shall be provided to the other parties as it was received from the entity doing the coding. All parties reserve any arguments of what evidentiary value, if any, objective coding has. In addition, the supplying party does not certify that the objective coding data is error free and the supplying party shall not be responsible for errors, if any, in objective coding data. The meta-data and objective coding (collectively, “Objective Coding”) shall be labeled and produced on Production Media in accordance with the provisions of paragraph 8, and shall be provided in a manner suitable for importing the information in a commercially available document management or litigation support software such as Summation or Concordance. If the receiving party has problems importing and using the Objective Coding for document management, the parties shall meet and confer to attempt to resolve the problems.

10. OCR/Extracted Text. Defendants shall produce corresponding Optical Character Recognition (OCR) text files for all hard-copy documents and any electronic documents that require redaction prior to production. For documents that exist natively in electronic format that have not been redacted and that are produced as images, Defendants shall produce extracted text files reflecting the full text that has been electronically extracted from the original, native electronic files. The OCR and extracted text files shall be produced in ASCII text format and

shall be labeled and produced on Production Media in accordance with the provisions of paragraph 8. These text files will be named with the unique Bates Number of the first page of the corresponding document followed by the extension “.txt.” The OCR and extracted text files shall be produced in a manner suitable for importing the information into commercially available document management or litigation support software such as Summation or Concordance.

11. Format for Production. The format of document images and objective coding described in paragraphs 2 and 9 above, and the OCR/extracted text files described in paragraph 10, shall conform with the requirements a commercially available document management or litigation support software the requesting party intends to use. The parties shall confirm this with each other in advance of the processing.

12. Original Documents. Defendants shall retain the original hard-copy and native source documents in their original format (together with, except as may be otherwise expressly agreed among the parties, the means to access, retrieve, and view such documents; however, the original hardware does not have to be kept) for all documents produced in this proceeding. Defendants shall make reasonable efforts to maintain the original native electronic source documents in a manner so as to preserve the “metadata” associated with these electronic materials in the event review of such metadata becomes necessary. Subject to preservation of appropriate privileges and other protections of Defendants’ information from production in accordance with applicable law, Defendants shall, upon reasonable request after any necessary meet and confer, make originals of any produced document available for inspection by the requesting party in the form in which such documents are kept in the ordinary course of business.

13. Production of Other Electronic Documents. This Order only applies to the production of the following categories of electronic documents: emails (and any associated

attachments), word processing documents, spreadsheets, presentations, and imaged documents (in any format). The parties shall meet and confer to agree on the form of any production of electronic documents other than the foregoing.

14. Use of Documents. When documents produced in accordance with this Order are used in any Proceeding herein, including depositions, hearings, or trial, the image copy of documents as described in Paragraphs 2 and 8 herein shall be the copy used. OCR or extracted text shall not be used in any Proceeding as a substitute for the image of any document.

15. Privilege Logs. The parties will produce privilege logs in Excel format or a similar electronic format that allows text searching and organization of data. A party will produce a separate privilege log for custodian/department within 60 days after the production of a custodian/department's documents for which privilege is asserted to apply is substantially complete, and within the same time period following any subsequent or rolling productions. The production of a privilege log for a custodian/department will be not less than 30 days prior to a custodian's deposition. The parties may modify the deadlines for production of privilege logs by agreement.

16. Service of Documents, Data and Privilege Logs. Service of documents, data and privilege logs under this Order shall be made upon Liaison Counsel for Plaintiffs pursuant to CMO 2 and Lead Counsel for each Defendant pursuant to CMO 3.

**IT IS SO ORDERED:**

Dated: July 2, 2008

/s/Dan Aaron Polster  
Honorable Dan Aaron Polster  
United States District Judge



## EXHIBIT A

Pursuant to paragraph 9 of this Stipulated Order Regarding Format of Production by Defendants, if a Producing Defendant chooses to objectively code certain documents for its own respective use, then with each production of such documents, the Producing Defendant shall produce the following Objective Coding in the ASCII text file that accompanies the document production. If the Producing Defendant chooses to objectively code certain documents after the production of such documents, the Producing Defendant shall provide the following Objective Coding as soon as it is available to said Defendant. For images generated from native electronic documents, the Producing Defendant shall provide meta-data corresponding to the following fields, where available.

<u>Coding Field</u>	<u>Description</u>
BegBates; EndBates	The beginning and ending Bates numbers for the document at issue.
BegAttach; EndAttach	The beginning and ending Bates numbers of the collection to which the parent document and any attachments thereto are associated (i.e., for an email that is bates stamped ABC0001 - ABC0002, with two attachments bates stamped ABC0003 - ABC0004 and ABC0005 - ABC0008, the BegAttach and EndAttach for all three documents would be ABC0001 - ABC0008).
DocCreate	The Microsoft® Office generated metadata reflecting the date the document was created.
DocDate	The last modified date of the document, formatted as follows: MM/DD/YYYY, with leading zeros as appropriate (e.g., 03/01/2006). For emails, the field will reflect the date the email was sent; for other documents, the field will reflect the last date on which the document was last modified.
DocType	The type of document (e.g., email, Microsoft Word 2000, Microsoft Excel, etc.).
Document Title	The title of the document, if any.

<b><u>Coding Field</u></b>	<b><u>Description</u></b>
AuthorName	The author(s) of a document.
To	The recipient(s) of a document.
CC	The person(s) who received copies of a document.
BCC	The person(s) who received blind copies of a document.
Custodian	The name of the individual whose electronic or hard-copy custodial file contained the document at issue.
Importance	For Outlook emails, “High,” “Low,” or “Normal.”
Sensitivity	For Outlook emails, “Normal,” “Private,” “Personal,” or “Confidential.”
Pages	The number of pages in a document.
Marginalia	For hard-copy documents, yes or no indication of whether the document at issue contains handwritten notations, notes, or marginalia.
Redacted	Yes or no indication of whether the document at issue is redacted.
Confidential	Yes or no indication of whether the document at issue was designated as confidential as of the date of production.