

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MONIQUE DA SILVA MOORE, )  
MARYELLEN O'DONOHUE, )  
LAURIE MAYERS, HEATHER )  
PIERCE, and KATHERINE )  
WILKINSON on behalf of themselves )  
and all others similarly situated, )

Civ No. 11-CV-1279 (ALC) (AJP)

PLAINTIFFS, )

v. )

PUBLICIS GROUPE SA and )  
MSLGROUP, )

DEFENDANTS. )

**DECLARATION OF SIHAM NURHUSSEIN IN SUPPORT OF PLAINTIFFS' REPLY  
IN SUPPORT OF RULE 72(a) OBJECTION TO MAGISTRATE JUDGE PECK'S  
FEBRUARY 8, 2012 RULINGS**

SIHAM NURHUSSEIN, an attorney duly admitted to practice law in the State of New York, in the Southern District of New York, states as follows:

1. My firm represents the Plaintiffs in the above-referenced action.
2. Annexed to this declaration as "Exhibit A" is a true and correct copy of the relevant pages of the transcript of the January 4, 2012 conference before Magistrate Judge Peck.
3. Annexed to this declaration as "Exhibit B" is a true and correct copy of the Docket Report of *Kleen Prods., LLC v. Packaging Corp. of Am.*, No. 10 C 5711 (N.D. Ill.).
4. Annexed to this declaration as "Exhibit C" is a true and correct copy of the transcript of the February 21, 2012 Hearing in *Kleen Prods.*
5. Annexed to this declaration as "Exhibit D" is a true and correct copy of a letter from Janette Wipper to Brett Anders, dated October 25, 2011.
6. Annexed to this declaration as "Exhibit E" is a true and correct copy of a letter from Janette Wipper to Brett Anders, dated November 9, 2011.

7. Annexed to this declaration as "Exhibit F" is a true and correct copy of a letter from Janette Wipper to Brett Anders, dated November 29, 2011.
8. Annexed to this declaration as "Exhibit G" is a true and correct copy of a letter from Janette Wipper to Magistrate Judge Peck, attachment omitted, dated January 3, 2012.
9. Annexed to this declaration as "Exhibit H" is a true and correct copy of a letter from Janette Wipper to Magistrate Judge Peck, attachment omitted, dated January 25, 2012.

I DECLARE UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Dated: March 19, 2012

New York, New York

/s/ Siham Nurhussein

Siham Nurhussein

# **Exhibit A**

1214KDASC CONFERENCE

1 UNITED STATES DISTRICT COURT  
1 SOUTHERN DISTRICT OF NEW YORK

2 -----X

3 MONIQUE Da SILVA MOORE, et  
3 al.,

4 Plaintiffs,

5 v.

11 CV 1279 (RJS)

6 PUBLICIS GROUPE, et al.,

7 Defendants.

8 -----X

New York, N.Y.  
January 4, 2011  
10:58 a.m.

11 Before:

12 HON. ANDREW J. PECK,

13 Magistrate Judge

14 APPEARANCES

15 SANFORD WITTELS & HEISLER LLP  
15 Attorneys for Plaintiffs

16 JANETTE WIPPER  
16 DEEPIKA BAINS

17 JACKSON LEWIS LLP  
18 Attorneys for Defendant MSL Group

18 BRETT M. ANDERS  
19 VICTORIA WOODIN CHAVEY

20 ALSO PRESENT:

21 PAUL J. NEALE, DOAR Litigation Consulting  
21 GENE KILMOV, DOAR Litigation Consulting  
22 ERIC SEGGEBRUCH, Reconnind  
22 CRAIG CARPENTER, Reconnind

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1 their problem.

2 OK, continue.

3 MR. ANDERS: So far 36 were deemed relevant. Of the  
4 400 not relevant I have reviewed, they were clearly not  
5 relevant. So right now the baseline is .015 percent of that  
6 random sample was relevant. If you translate that to the  
7 entire database, that's 48,000 documents.

8 After we did a random sample, then what we have done  
9 at the same time is we have applied keywords and we have taken  
10 the results of those keywords and sample-coded. So, for  
11 example, if there's a keyword "reorganization," we may have  
12 reviewed the top 200 random hits. We did that across the  
13 board.

14 Also, to respond to several of plaintiffs' targeted  
15 document requests, we ran targeted searches across the  
16 database. That's what we have already produced, about a  
17 thousand pages of documents. So we have that coding that's in  
18 there.

19 Plaintiffs' counsel, they have sent us now three  
20 different revisions of keywords. What I have proposed to  
21 plaintiffs' counsel is, I'll give you the hit lists. I've  
22 already given them two sets of hit lists; we have another set  
23 to give them, I'll review -- or we'll review 3,000 of those  
24 hits, you tell us how you want us to review it but pick the  
25 hits, we'll review any of the top 200 in these ten categories,

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1 I'm away a little bit, try to redraft the protocol to address  
2 what we discussed today.

3 THE COURT: I know every lawyer thinks they're  
4 indispensable and I'm not pulling the "Jackson Lewis is a big  
5 firm and you're all fungible," but is there not another person  
6 who may be less email savvy or computer savvy than you, such as  
7 Ms. Chavey, for example, who can follow up, along with the  
8 folks from Recommind and plaintiffs' counsel, and not lose an  
9 entire week because you're on vacation?

10 MS. CHAVEY: Of course, your Honor.

11 THE COURT: And I happen to know, it may not be on  
12 this case, if it's a true e-discovery dispute, I happen to know  
13 your Florida e-discovery counsel very well --

14 MR. ANDERS: He knows a little bit.

15 THE COURT: You can bring Mr. Losey into the mix if  
16 need be.

17 MR. ANDERS: OK, understood.

18 THE COURT: What else?

19 MS. CHAVEY: Your Honor, I know your Honor said you  
20 weren't going to reconsider what was addressed this morning,  
21 but I did look, during the break, about the issue about  
22 Mr. Tsokanos in complaints that had been made against him. I  
23 think on plaintiffs' counsel's representation that their  
24 understanding was there had been a complaint in 2005, you  
25 ordered us to provide that. There was not a complaint in 2005.

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# **Exhibit B**

CASREF,NOLAN,PROTO

**United States District Court**  
**Northern District of Illinois - CM/ECF LIVE, Ver 5.0.3 (Chicago)**  
**CIVIL DOCKET FOR CASE #: 1:10-cv-05711**

Kleen Products LLC et al v. Packaging Corporation of  
America et al

Assigned to: Honorable Milton I. Shadur

Referred to: Honorable Nan R. Nolan

related Cases: 1:10-cv-05896

1:10-cv-06125

1:10-cv-05849

Cause: 15:1 Antitrust Litigation

Date Filed: 09/09/2010

Jury Demand: Both

Nature of Suit: 410 Anti-Trust

Jurisdiction: Federal Question

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*individually and on behalf of all those  
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**Defendant**

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**John Edward Susoreny**  
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**Lauren Nicole Norris**  
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**Defendant**

**Domtar Corporation**  
*TERMINATED: 11/08/2010*

**Defendant**

**Weyerhaeuser Company**

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**Defendant**

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**Defendant**

**Temple-Inland, Inc.**

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**Defendant**

**Cascades Canada Inc.**

represented by **Scott M. Mendel**  
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*ATTORNEY TO BE NOTICED*

**Defendant****Norampac Holdings U.S. Inc.**represented by **Scott M. Mendel**

(See above for address)

**LEAD ATTORNEY****ATTORNEY TO BE NOTICED****Defendant****TIN Inc.****Movant****Thule, Inc.****TERMINATED: 04/08/2011**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/09/2010	<u>1</u>	COMPLAINT filed by Kleen Products LLC; Jury Demand. Filing fee \$ 350, receipt number 0752-5199665. (Attachments: # <u>1</u> Notification of Affiliates) (Freed, Michael) (Entered: 09/09/2010)
09/09/2010	<u>2</u>	CIVIL Cover Sheet (Attachments: # <u>1</u> Attachment A - List of Defendants, # <u>2</u> Attachment B - Plaintiff's Attorneys)(Freed, Michael) (Entered: 09/09/2010)
09/09/2010	<u>3</u>	ATTORNEY Appearance for Plaintiff Kleen Products LLC by Michael Jerry Freed (Freed, Michael) (Entered: 09/09/2010)
09/09/2010	<u>4</u>	ATTORNEY Appearance for Plaintiff Kleen Products LLC by Steven A Kanner (Kanner, Steven) (Entered: 09/09/2010)
09/09/2010	<u>5</u>	ATTORNEY Appearance for Plaintiff Kleen Products LLC by Michael E. Moskovitz (Moskovitz, Michael) (Entered: 09/09/2010)
09/09/2010		CASE ASSIGNED to the Honorable Charles P. Kocoras. Designated as Magistrate Judge the Honorable Nan R. Nolan. (jn, ) (Entered: 09/09/2010)
09/10/2010		SUMMONS Issued as to Defendants Domtar Corporation, Georgia Pacific LLC, International Paper, Packaging Corporation of America, Smurfit-Stone Container Corporation, Temple-Inland, Inc., Weyerhaeuser Company. (vcf, ) (Entered: 09/10/2010)
09/10/2010	<u>6</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-5207831. (Mogin, Daniel) (Entered: 09/10/2010)
09/13/2010	<u>7</u>	MINUTE entry before Honorable Charles P. Kocoras:Daniel J. Mogin's motion (Doc <u>6</u> ) for leave to appear pro hac vice as additional counsel for plaintiff is granted. Mailed notice (sct, ) (Entered: 09/13/2010)
09/15/2010	<u>8</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-5221823. (Sinnott, Matthew) (Entered: 09/15/2010)
09/15/2010	<u>10</u>	EXECUTIVE COMMITTEE ORDER: Case reassigned to the Honorable Milton I. Shadur for all further proceedings. Signed by Executive Committee on 9/15/2010. (ber, ) (Entered: 09/17/2010)

09/16/2010	<u>9</u>	MINUTE entry before Honorable Charles P. Kocoras:Matthew Sinnott's motion (Doc <u>8</u> ) for leave to appear pro hac vice as additional counsel for plaintiff is granted.Mailed notice (sct, ) (Entered: 09/16/2010)
09/17/2010	<u>11</u>	MINUTE entry before Honorable Milton I. Shadur: Status hearing set for 11/4/2010 at 09:00 AM.Mailed notice (srn, ) (Entered: 09/17/2010)
09/20/2010		SUMMONS Issued as to Defendants Cascades, Inc., Domtar Corporation, Norampac Industries Inc. (emd, ) (Entered: 09/20/2010)
09/30/2010	<u>12</u>	ATTORNEY Appearance for Defendant Smurfit-Stone Container Corporation by R. Mark McCareins (McCareins, R.) (Entered: 09/30/2010)
09/30/2010	<u>13</u>	ATTORNEY Appearance for Defendant Smurfit-Stone Container Corporation by Michael P Mayer (Mayer, Michael) (Entered: 09/30/2010)
09/30/2010	<u>14</u>	ATTORNEY Appearance for Defendant Smurfit-Stone Container Corporation by James Franklin Herbison (Herbison, James) (Entered: 09/30/2010)
09/30/2010	<u>15</u>	ATTORNEY Appearance for Defendant Georgia Pacific LLC by James R. Figliulo (Figliulo, James) (Entered: 09/30/2010)
09/30/2010	<u>16</u>	MOTION by Defendant Smurfit-Stone Container Corporation for extension of time to file answer regarding complaint <u>1</u> or otherwise plead ( <i>Agreed</i> ) (Attachments: # <u>1</u> Text of Proposed Order)(McCareins, R.) Modified on 10/1/2010 (ber, ). (Entered: 09/30/2010)
09/30/2010	<u>17</u>	NOTICE of Motion by R. Mark McCareins for presentment of motion for extension of time to file answer, motion for relief <u>16</u> before Honorable Milton I. Shadur on 10/4/2010 at 09:15 AM. (McCareins, R.) (Entered: 09/30/2010)
09/30/2010	<u>18</u>	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by Smurfit-Stone Container Corporation (McCareins, R.) (Entered: 09/30/2010)
10/01/2010	<u>19</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-5276517. (Gustafson, Daniel) (Entered: 10/01/2010)
10/01/2010	<u>20</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-5276563. (Hedlund, Daniel) (Entered: 10/01/2010)
10/01/2010	<u>21</u>	ATTORNEY Appearance for Defendant International Paper by Dao Lee Boyle (Boyle, Dao) (Entered: 10/01/2010)
10/01/2010	<u>22</u>	ATTORNEY Appearance for Defendant International Paper by Scott Jared Fisher (Fisher, Scott) (Entered: 10/01/2010)
10/04/2010	<u>23</u>	ATTORNEY Appearance for Defendant Temple-Inland, Inc. by Britt Marie Miller (Miller, Britt) (Entered: 10/04/2010)
10/04/2010	<u>24</u>	ATTORNEY Appearance for Defendant Temple-Inland, Inc. by Courtney Lynn Anderson (Anderson, Courtney) (Entered: 10/04/2010)
10/04/2010	<u>25</u>	ATTORNEY Appearance for Defendant Temple-Inland, Inc. by Andrew Stanley Marovitz (Marovitz, Andrew) (Entered: 10/04/2010)

10/04/2010	<u>26</u>	MINUTE entry before Honorable Milton I. Shadur:Motion for extension of time to answer <u>16</u> is granted. Motion hearing held on 10/4/2010. Status hearing set for 12/13/2010 at 09:00 AM. The November 4 status date is vacated.Mailed notice (srn, ) (Entered: 10/04/2010)
10/04/2010	<u>27</u>	ATTORNEY Appearance for Defendants Cascades, Inc., Norampac Industries Inc. by Scott M. Mendel (Mendel, Scott) (Entered: 10/04/2010)
10/04/2010	<u>28</u>	ATTORNEY Appearance for Defendants Cascades, Inc., Norampac Industries Inc. by John Edward Susoreny (Susoreny, John) (Entered: 10/04/2010)
10/04/2010	<u>29</u>	MINUTE entry before Honorable Milton I. Shadur:Daniel Gustafson and Daniel Hedlund are granted leave to appear pro hac vice on behalf of the Plaintiff <u>19 20</u> . Mailed notice. (psm, ) (Entered: 10/05/2010)
10/05/2010	<u>30</u>	ATTORNEY Appearance for Defendants Cascades, Inc., Norampac Industries Inc. by Lauren Nicole Norris (Norris, Lauren) (Entered: 10/05/2010)
10/05/2010	<u>31</u>	ATTORNEY Appearance for Defendant Georgia Pacific LLC by Stephanie D. Jones (Jones, Stephanie) (Entered: 10/05/2010)
10/06/2010	<u>32</u>	ATTORNEY Appearance for Defendant Packaging Corporation of America by Daniel E. Laytin (Laytin, Daniel) (Entered: 10/06/2010)
10/06/2010	<u>33</u>	ATTORNEY Appearance for Defendant Packaging Corporation of America by Luke Christian Ruse (Ruse, Luke) (Entered: 10/06/2010)
10/06/2010	<u>34</u>	MOTION by Defendants Cascades, Inc., Norampac Industries Inc. for extension of time to file answer regarding complaint <u>1</u> or otherwise plead (Agreed) (Mendel, Scott) (Entered: 10/06/2010)
10/06/2010	<u>35</u>	NOTICE of Motion by Scott M. Mendel for presentment of motion for extension of time to file answer, motion for relief <u>34</u> before Honorable Milton I. Shadur on 10/8/2010 at 09:15 AM. (Mendel, Scott) (Entered: 10/06/2010)
10/06/2010	<u>44</u>	ATTORNEY Appearance by Douglas J. Kurtenbach on behalf of Defendant Packaging Corporation of America. (psm, ) (Entered: 10/08/2010)
10/07/2010	<u>36</u>	MINUTE entry before Honorable Milton I. Shadur:Motion for extension of time to answer or otherwise plead <u>34</u> is granted.Mailed notice (srn, ) (Entered: 10/07/2010)
10/08/2010	<u>37</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-5298482. (Carrington, Casey) (Entered: 10/08/2010)
10/08/2010	<u>38</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-5298490. (Carrington, Casey) (Entered: 10/08/2010)
10/08/2010	<u>39</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-5298495. (Carrington, Casey) (Entered: 10/08/2010)
10/08/2010	<u>40</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-5298498. (Carrington, Casey) (Entered: 10/08/2010)

10/08/2010	<u>41</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-5298503. (Carrington, Casey) (Entered: 10/08/2010)
10/08/2010	<u>42</u>	MOTION by Plaintiff Kleen Products LLC to reassign case <i>Based upon Relatedness Pursuant to Local Rule 40.4</i> (Attachments: # <u>1</u> Appendix of Exhibits (with Exhibits A-B), # <u>2</u> Exhibit C)(Freed, Michael) (Entered: 10/08/2010)
10/08/2010	<u>43</u>	NOTICE of Motion by Michael Jerry Freed for presentment of motion to reassign case <u>42</u> before Honorable Milton I. Shadur on 10/18/2010 at 09:15 AM. (Freed, Michael) (Entered: 10/08/2010)
10/14/2010	<u>45</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-5316083. (Figliulo, James) (Entered: 10/14/2010)
10/14/2010	<u>46</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-5316107. (Figliulo, James) (Entered: 10/14/2010)
10/14/2010	<u>47</u>	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by Georgia Pacific LLC (Figliulo, James) (Entered: 10/14/2010)
10/14/2010	<u>48</u>	RESPONSE by Cascades, Inc., Domtar Corporation, Georgia Pacific LLC, International Paper, Norampac Industries Inc., Packaging Corporation of America, Smurfit-Stone Container Corporation, Temple-Inland, Inc. to MOTION by Plaintiff Kleen Products LLC to reassign case <i>Based upon Relatedness Pursuant to Local Rule 40.4</i> <u>42</u> <i>Statement of Non-Opposition</i> (Fisher, Scott) (Entered: 10/14/2010)
10/15/2010	<u>49</u>	MINUTE entry before Honorable Milton I. Shadur: Casey N. Carrington, Robert E. Kim, Joshua Lipton, Daniel W. Nelson and George A. Nicoud III, are all granted leave to appear pro hac vice on behalf of International Paper Company. (37-1, 38-1, 39-1, 40-1, 41-1) Mailed notice (ber, ) (Entered: 10/15/2010)
10/15/2010	<u>50</u>	MINUTE entry before Honorable Milton I. Shadur: Stephen R. Neuwirth and Kyle R. Taylor are granted leave to appear pro hac vice on behalf of Georgia-Pacific LLC. (45-1, 46-1) Mailed notice (ber, ) (Entered: 10/15/2010)
10/18/2010	<u>51</u>	MINUTE entry before Honorable Milton I. Shadur: Motion to reassign case <u>42</u> is granted. Motion hearing held on 10/18/2010. Plaintiff's amended complaint is to be filed on or before 11/8/10. Defendants' responsive pleading is due 12/3/10. Status hearing set for 12/13/2010 at 09:00 AM. Mailed notice (sm, ) (Entered: 10/18/2010)
10/20/2010	<u>52</u>	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by Cascades, Inc. (Mendel, Scott) (Entered: 10/20/2010)
10/20/2010	<u>53</u>	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by Norampac Industries Inc. (Mendel, Scott) (Entered: 10/20/2010)
10/20/2010	<u>54</u>	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by Packaging Corporation of America (Kurtenbach, Douglas) (Entered: 10/20/2010)
10/21/2010	<u>55</u>	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by International



		Paper (Fisher, Scott) (Entered: 10/21/2010)
10/22/2010	<u>56</u>	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by Temple-Inland, Inc. (Anderson, Courtney) (Entered: 10/22/2010)
10/29/2010	<u>57</u>	MOTION by Movant Thule, Inc.Motion for Finding of Relatedness and Reassignment Pursuant to Local Rule 40.4 (Miller, Marvin) (Entered: 10/29/2010)
10/29/2010	<u>58</u>	NOTICE of Motion by Marvin Alan Miller for presentment of motion for miscellaneous relief <u>57</u> before Honorable Milton I. Shadur on 11/9/2010 at 09:15 AM. (Miller, Marvin) (Entered: 10/29/2010)
11/02/2010	<u>59</u>	ATTORNEY Appearance for Defendant Packaging Corporation of America by Jeannie Young Evans (Evans, Jeannie) (Entered: 11/02/2010)
11/05/2010	<u>60</u>	ATTORNEY Appearance for Defendant Weyerhaeuser Company by David Marx (Marx, David) (Entered: 11/05/2010)
11/08/2010	<u>61</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-5397973. (Willard, Joel) (Entered: 11/08/2010)
11/08/2010	<u>62</u>	ATTORNEY Appearance for Defendant International Paper by Nathan P. Eimer (Eimer, Nathan) (Entered: 11/08/2010)
11/08/2010	<u>63</u>	ATTORNEY Appearance for Defendant International Paper by John Kenneth Theis (Theis, John) (Entered: 11/08/2010)
11/08/2010	<u>64</u>	ATTORNEY Appearance for Defendant Weyerhaeuser Company by Jennifer A Smulin Diver (Smulin Diver, Jennifer) (Entered: 11/08/2010)
11/08/2010	<u>65</u>	<i>Consolidated</i> AMENDED complaint by Kleen Products LLC, Ferraro Foods of North Carolina, LLC., Distributors Packaging Group, LLC, Ferraro Foods, Inc., RHE Hatco, Inc., R.P.R. Enterprises, Inc., Chandler Packaging, Inc., Mighty Pac, Inc., Thule, Inc. against Domtar Corporation, Georgia Pacific LLC, International Paper, Packaging Corporation of America, Smurfit-Stone Container Corporation, Temple-Inland, Inc., Weyerhaeuser Company, Cascades Canada Inc., Norampac Holdings U.S. Inc., TIN Inc. (Attachments: # <u>1</u> Certificate of Service)(Mogin, Daniel) (Entered: 11/08/2010)
11/08/2010	<u>66</u>	MINUTE entry before Honorable Milton I. Shadur: Joel Willard is granted leave to appear pro hac vice on behalf of the defendant International Paper Company. ( <u>61</u> -1) Mailed notice (ber, ) (Entered: 11/09/2010)
11/09/2010	<u>67</u>	MOTION by counsel for Defendant International Paper to withdraw as attorney (Fisher, Scott) (Entered: 11/09/2010)
11/09/2010	<u>68</u>	NOTICE of Motion by Scott Jared Fisher for presentment of motion to withdraw as attorney <u>67</u> before Honorable Milton I. Shadur on 11/12/2010 at 09:15 AM. (Fisher, Scott) (Entered: 11/09/2010)
11/09/2010	<u>69</u>	MINUTE entry before Honorable Milton I. Shadur:Motion to reassign case 10 C 6797 based on relatedness <u>57</u> is granted. Motion hearing held on 11/9/2010. A status hearing is set for 12/13/10 at 9:00. Cases 10 C 5896, 10 C 5849, 10 C 6125 and 10 C 6797 will all be dismissed without prejudice. The

		12/3/10 responsive pleading filing date is vacated. Plaintiff Thule Inc.'s oral motion to dismiss defendant Smurfitstone is granted. Mailed notice (srn, ) (Entered: 11/09/2010)
11/10/2010	<u>70</u>	MINUTE entry before Honorable Milton I. Shadur: Motion to withdraw as attorney <u>67</u> is granted; Attorney Dao Lee Boyle and Scott Jared Fisher terminated. Mailed notice (srn, ) (Entered: 11/10/2010)
11/12/2010	<u>71</u>	MOTION by Plaintiff Thule, Inc. to appoint counsel as <i>Interim Lead Counsel and Interim Liaison Counsel</i> (Miller, Marvin) (Entered: 11/12/2010)
11/12/2010	<u>72</u>	MEMORANDUM in Support of Motion to Appoint Interim Lead Counsel and Interim Liaison Counsel (Miller, Marvin) (Entered: 11/12/2010)
11/12/2010	<u>73</u>	DECLARATION of Bonny E. Sweeney regarding motion to appoint counsel <u>71</u> (Miller, Marvin) (Entered: 11/12/2010)
11/12/2010	<u>74</u>	NOTICE of Motion by Marvin Alan Miller for presentment of motion to appoint counsel <u>71</u> before Honorable Milton I. Shadur on 12/13/2010 at 09:15 AM. (Miller, Marvin) (Entered: 11/12/2010)
11/15/2010	<u>75</u>	ATTORNEY Appearance for Plaintiff Thule, Inc. by Marvin Alan Miller (Miller, Marvin) (Entered: 11/15/2010)
11/15/2010	<u>76</u>	ATTORNEY Appearance for Plaintiff Thule, Inc. by <i>Lori A. Fanning</i> (Miller, Marvin) Modified on 11/16/2010 (ber, ). (Entered: 11/15/2010)
11/15/2010	<u>77</u>	ATTORNEY Appearance for Plaintiff Thule, Inc. by Matthew E Van Tine (Van Tine, Matthew) (Entered: 11/15/2010)
11/16/2010	<u>78</u>	ATTORNEY Appearance for Plaintiff Thule, Inc. by Lori Ann Fanning (Fanning, Lori) (Entered: 11/16/2010)
11/16/2010	<u>79</u>	ATTORNEY Appearance for Plaintiff Thule, Inc. by Bonny E. Sweeney (Sweeney, Bonny) (Entered: 11/16/2010)
11/16/2010	<u>80</u>	ATTORNEY Appearance for Plaintiff Thule, Inc. by Alexandra S. Bernay (Bernay, Alexandra) (Entered: 11/16/2010)
11/16/2010	<u>81</u>	ATTORNEY Appearance for Plaintiff Thule, Inc. by Paula M. Roach (Roach, Paula) (Entered: 11/16/2010)
11/17/2010	<u>82</u>	ATTORNEY Appearance for Plaintiff R.P.R. Enterprises, Inc. by W. Joseph Bruckner (Bruckner, W.) Modified on 11/30/2010 (ph, ). (Entered: 11/17/2010)
11/17/2010	<u>83</u>	ATTORNEY Appearance for Plaintiff R.P.R. Enterprises, Inc. by Heidi M. Siltan (Siltan, Heidi) Modified on 11/30/2010 (ph, ). (Entered: 11/17/2010)
11/18/2010	<u>84</u>	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by Chandler Packaging, Inc. (Freed, Michael) (Entered: 11/18/2010)
11/18/2010	<u>85</u>	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by Distributors Packaging Group, LLC (Freed, Michael) (Entered: 11/18/2010)
11/18/2010	<u>86</u>	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by Ferraro Foods,

		Inc. (Freed, Michael) (Entered: 11/18/2010)
11/18/2010	<u>87</u>	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by Ferraro Foods of North Carolina, LLC. (Freed, Michael) (Entered: 11/18/2010)
11/18/2010	<u>88</u>	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by RHE Hatco, Inc. (Freed, Michael) (Entered: 11/18/2010)
11/19/2010	<u>89</u>	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by Thule, Inc. (Bernay, Alexandra) (Entered: 11/19/2010)
11/22/2010	<u>90</u>	MINUTE entry before Honorable Milton I. Shadur: Status hearing set for 11/24/2010 at 09:30 AM.Mailed notice (srn, ) (Entered: 11/22/2010)
11/23/2010	<u>91</u>	Class Plaintiffs' Notice of Filing by Smurfit-Stone in Bankruptcy Court, and Class Plaintiffs' Statement Relating Thereto by Chandler Packaging, Inc., Distributors Packaging Group, LLC, Ferraro Foods of North Carolina, LLC., Ferraro Foods, Inc., Kleen Products LLC, Mighty Pac, Inc., R.P.R. Enterprises, Inc., RHE Hatco, Inc. (Attachments: # <u>1</u> Table of Exhibits (with Exhibits A-B))(Freed, Michael) (Entered: 11/23/2010)
11/24/2010	<u>92</u>	MINUTE entry before Honorable Milton I. Shadur:Status hearing held on 11/24/2010. Status hearing set for 12/13/2010 at 09:00 AM.Mailed notice (srn, ) (Entered: 11/24/2010)
11/30/2010	<u>93</u>	ATTORNEY Appearance for Plaintiff R.P.R. Enterprises, Inc. by W. Joseph Bruckner <i>Corrected Notice of Appearance</i> (Bruckner, W.) (Entered: 11/30/2010)
11/30/2010	<u>94</u>	ATTORNEY Appearance for Plaintiff R.P.R. Enterprises, Inc. by Heidi M. Silton <i>Corrected Notice of Appearance</i> (Silton, Heidi) (Entered: 11/30/2010)
12/01/2010	<u>95</u>	ATTORNEY Appearance for Plaintiff Kleen Products LLC by Manuel Juan Dominguez (Dominguez, Manuel) (Entered: 12/01/2010)
12/01/2010	<u>96</u>	ATTORNEY Appearance for Plaintiff Kleen Products LLC by Daniel A. Bushell (Bushell, Daniel) (Entered: 12/01/2010)
12/03/2010	<u>97</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-5481811. (Albert, Lee) (Entered: 12/03/2010)
12/08/2010	<u>98</u>	MOTION by Plaintiffs Chandler Packaging, Inc., Distributors Packaging Group, LLC, Ferraro Foods of North Carolina, LLC., Ferraro Foods, Inc., Kleen Products LLC, Mighty Pac, Inc., R.P.R. Enterprises, Inc., RHE Hatco, Inc. to appoint counsel <i>The Mogin Law Firm, P.C. and Freed Kanner London &amp; Millen LLC as Interim Co-Lead Class Counsel Pursuant to F.R.C.P. 23(g)</i> (Freed, Michael) (Entered: 12/08/2010)
12/08/2010	<u>99</u>	NOTICE of Motion by Michael Jerry Freed for presentment of motion to appoint counsel, <u>98</u> before Honorable Milton I. Shadur on 12/13/2010 at 09:00 AM. (Freed, Michael) (Entered: 12/08/2010)
12/08/2010	<u>100</u>	MEMORANDUM by Chandler Packaging, Inc., Distributors Packaging Group, LLC, Ferraro Foods of North Carolina, LLC., Ferraro Foods, Inc., Kleen Products LLC, Mighty Pac, Inc., R.P.R. Enterprises, Inc., RHE Hatco,

		Inc. in support of motion to appoint counsel, <u>98</u> (Attachments: # <u>1</u> Joint Declaration of Daniel J. Mogin and Michael J. Freed (with Exhibits A-C)) (Freed, Michael) (Entered: 12/08/2010)
12/10/2010	<u>102</u>	MINUTE entry before Honorable Milton I. Shadur: Lee Albert is granted leave to appear pro hac vice on behalf of Chandler Packaging, Inc. ( <u>97</u> -1) Mailed notice (ber, ) (Entered: 12/13/2010)
12/13/2010	<u>101</u>	ATTORNEY Appearance for Defendant Packaging Corporation of America by Barack S. Echols (Echols, Barack) (Entered: 12/13/2010)
12/13/2010	<u>103</u>	NOTICE by Smurfit-Stone Container Corporation (Attachments: # <u>1</u> Order Dismissing Adversary Proceeding)(McCareins, R.) (Entered: 12/13/2010)
12/13/2010	<u>104</u>	MINUTE entry before Honorable Milton I. Shadur:Plaintiffs' Motions to appoint counsel <u>71</u> <u>98</u> are entered and continued. Plaintiffs' further submissions are due 12/23/10. Status hearing held on 12/13/2010. Any defense motions are due on or before 1/14/11. Status hearing set for 1/20/2011 at 08:45 AM.Mailed notice (srn, ) (Entered: 12/13/2010)
01/03/2011	<u>105</u>	TRANSCRIPT OF PROCEEDINGS held on 10/04/2010 before the Honorable Milton I. Shadur. Court Reporter Contact Information: Rosemary Scarpelli, (312)435-5815, Rosemary_Scarpelli@ilnd.uscourts.gov.  IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.  Redaction Request due 1/24/2011. Redacted Transcript Deadline set for 2/3/2011. Release of Transcript Restriction set for 4/4/2011. (Scarpelli, Rosemary) (Entered: 01/03/2011)
01/03/2011	<u>106</u>	TRANSCRIPT OF PROCEEDINGS held on 10/18/2010 before the Honorable Milton I. Shadur. Court Reporter Contact Information: Rosemary Scarpelli, (312)435-5815, Rosemary_Scarpelli@ilnd.uscourts.gov.  IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.  Redaction Request due 1/24/2011. Redacted Transcript Deadline set for 2/3/2011. Release of Transcript Restriction set for 4/4/2011. (Scarpelli, Rosemary) (Entered: 01/03/2011)

<p>01/03/2011</p>	<p><u>107</u></p>	<p>TRANSCRIPT OF PROCEEDINGS held on 11/09/2010 before the Honorable Milton I. Shadur. Court Reporter Contact Information: Rosemary Scarpelli, (312)435-5815, Rosemary_Scarpelli@ilnd.uscourts.gov.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at <a href="http://www.ilnd.uscourts.gov">www.ilnd.uscourts.gov</a> under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 1/24/2011. Redacted Transcript Deadline set for 2/3/2011. Release of Transcript Restriction set for 4/4/2011. (Scarpelli, Rosemary) (Entered: 01/03/2011)</p>
<p>01/03/2011</p>	<p><u>108</u></p>	<p>TRANSCRIPT OF PROCEEDINGS held on 11/24/2010 before the Honorable Milton I. Shadur. Court Reporter Contact Information: Rosemary Scarpelli, (312)435-5815, Rosemary_Scarpelli@ilnd.uscourts.gov.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at <a href="http://www.ilnd.uscourts.gov">www.ilnd.uscourts.gov</a> under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 1/24/2011. Redacted Transcript Deadline set for 2/3/2011. Release of Transcript Restriction set for 4/4/2011. (Scarpelli, Rosemary) (Entered: 01/03/2011)</p>
<p>01/04/2011</p>	<p><u>109</u></p>	<p>TRANSCRIPT OF PROCEEDINGS held on 12/13/2010 before the Honorable Milton I. Shadur. Court Reporter Contact Information: KATHLEEN M. FENNELL, <a href="http://www.Kathyfennell.com">www.Kathyfennell.com</a>, (312) 435-5569.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at <a href="http://www.ilnd.uscourts.gov">www.ilnd.uscourts.gov</a> under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 1/25/2011. Redacted Transcript Deadline set for 2/4/2011. Release of Transcript Restriction set for 4/4/2011. (Fennell, Kathleen) (Entered: 01/04/2011)</p>
<p>01/05/2011</p>	<p><u>110</u></p>	<p>MOTION by Defendants Cascades Canada Inc., Georgia Pacific LLC, International Paper, Norampac Holdings U.S. Inc., Packaging Corporation of America, Smurfit-Stone Container Corporation, Temple-Inland, Inc.,</p>

		Weyerhaeuser Company for leave to file excess pages (Eimer, Nathan) (Entered: 01/05/2011)
01/05/2011	<u>111</u>	NOTICE of Motion by Nathan P. Eimer for presentment of motion for leave to file excess pages, <u>110</u> before Honorable Milton I. Shadur on 1/7/2011 at 09:15 AM. (Eimer, Nathan) (Entered: 01/05/2011)
01/06/2011	<u>112</u>	MINUTE entry before Honorable Milton I. Shadur: Motion for leave to file excess pages <u>110</u> is granted. Mailed notice (srn, ) (Entered: 01/06/2011)
01/13/2011	<u>113</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-5604832. (Rashid, Sami) (Entered: 01/13/2011)
01/13/2011	<u>114</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-5605170. (Eisler, Robert) (Entered: 01/13/2011)
01/13/2011	<u>118</u>	MINUTE entry before Honorable Milton I. Shadur: Sami H. Rashid is granted leave to appear pro hac vice on behalf of Georgia-Pacific LLC. (113-1) Robert G. Eisler is granted leave to appear pro hac vice on behalf of Plaintiffs Ferraro Foods, Inc. and Ferraro Foods of North Carolina, LLC. (114-1) Mailed notice (ber, ) (Entered: 01/14/2011)
01/14/2011	<u>115</u>	MOTION by Defendant Temple-Inland, Inc. to dismiss <i>Consolidated and Amended Complaint Under Fed. R. Civ. P. 12(b)(6)</i> [Doc. #65] (Marovitz, Andrew) (Entered: 01/14/2011)
01/14/2011	<u>116</u>	NOTICE of Motion by Andrew Stanley Marovitz for presentment of motion to dismiss <u>115</u> before Honorable Milton I. Shadur on 1/20/2011 at 08:45 AM. (Marovitz, Andrew) (Entered: 01/14/2011)
01/14/2011	<u>117</u>	MEMORANDUM by Temple-Inland, Inc. in support of motion to dismiss <u>115</u> ( <i>Individual Memorandum of Law in Support of its Motion to Dismiss under Fed. R. Civ. P. 12(b)(6)</i> ) (Attachments: # <u>1</u> Table of Exhibits, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E) (Marovitz, Andrew) (Entered: 01/14/2011)
01/14/2011	<u>119</u>	MOTION by Defendant Weyerhaeuser Company to dismiss (Marx, David) (Entered: 01/14/2011)
01/14/2011	<u>120</u>	NOTICE of Motion by David Marx for presentment of motion to dismiss <u>119</u> before Honorable Milton I. Shadur on 1/20/2011 at 08:45 AM. (Marx, David) (Entered: 01/14/2011)
01/14/2011	<u>121</u>	MOTION by Defendant Smurfit-Stone Container Corporation to dismiss <i>the Consolidated and Amended Complaint</i> (McCareins, R.) (Entered: 01/14/2011)
01/14/2011	<u>122</u>	MEMORANDUM by Smurfit-Stone Container Corporation in support of motion to dismiss <u>121</u> (Attachments: # <u>1</u> Exhibit A-C) (McCareins, R.) (Entered: 01/14/2011)
01/14/2011	<u>123</u>	NOTICE of Motion by R. Mark McCareins for presentment of motion to dismiss <u>121</u> before Honorable Milton I. Shadur on 1/20/2011 at 08:45 AM. (McCareins, R.) (Entered: 01/14/2011)

01/14/2011	<u>124</u>	MOTION by Defendants Cascades Canada Inc., Norampac Holdings U.S. Inc. to dismiss (Mendel, Scott) (Entered: 01/14/2011)
01/14/2011	<u>125</u>	MOTION by Defendant Packaging Corporation of America to stay <i>Defendants' Joint Motion To Temporarily Stay Discovery Pending Resolution Of Defendants' Motions To Dismiss</i> (Kurtenbach, Douglas) (Entered: 01/14/2011)
01/14/2011	<u>126</u>	MEMORANDUM by Packaging Corporation of America in support of motion to stay <u>125</u> <i>Memorandum In Support Of Defendants' Joint Motion To Temporarily Stay Discovery Pending Resolution Of Defendants' Motions To Dismiss</i> (Attachments: # <u>1</u> Exhibit Exhibits A thru C to Memorandum) (Kurtenbach, Douglas) (Entered: 01/14/2011)
01/14/2011	<u>127</u>	MOTION by Defendant Georgia Pacific LLC to dismiss <i>the consolidated and amended complaint</i> (Jones, Stephanie) (Entered: 01/14/2011)
01/14/2011	<u>128</u>	NOTICE of Motion by Stephanie D. Jones for presentment of motion to dismiss <u>127</u> before Honorable Milton I. Shadur on 1/20/2011 at 08:45 AM. (Jones, Stephanie) (Entered: 01/14/2011)
01/14/2011	<u>129</u>	MEMORANDUM by Cascades Canada Inc., Norampac Holdings U.S. Inc. in support of motion to dismiss <u>124</u> (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit A Part 1, # <u>3</u> Exhibit A Part 2, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D)(Mendel, Scott) (Entered: 01/14/2011)
01/14/2011	<u>130</u>	NOTICE of Motion by Douglas James Kurtenbach for presentment of motion to stay <u>125</u> before Honorable Milton I. Shadur on 1/20/2011 at 08:45 AM. (Kurtenbach, Douglas) (Entered: 01/14/2011)
01/14/2011	<u>131</u>	MEMORANDUM by Georgia Pacific LLC in support of motion to dismiss <u>127</u> <i>consolidated and amended complaint</i> (Jones, Stephanie) (Entered: 01/14/2011)
01/14/2011	<u>132</u>	NOTICE of Motion by Scott M. Mendel for presentment of motion to dismiss <u>124</u> before Honorable Milton I. Shadur on 1/20/2011 at 08:45 AM. (Mendel, Scott) (Entered: 01/14/2011)
01/14/2011	<u>133</u>	DECLARATION of Kyle R. Taylor regarding motion to dismiss <u>127</u> <i>consolidated and amended complaint</i> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2-13)(Jones, Stephanie) (Entered: 01/14/2011)
01/14/2011	<u>134</u>	MOTION by Defendant Packaging Corporation of America to dismiss <i>The Consolidated And Amended Complaint</i> (Kurtenbach, Douglas) (Entered: 01/14/2011)
01/14/2011	<u>135</u>	MEMORANDUM by Packaging Corporation of America in support of motion to dismiss <u>134</u> <i>Supplemental Memorandum In Support Of Packaging Corporation Of America's Motion To Dismiss The Consolidated And Amended Complaint</i> (Attachments: # <u>1</u> Exhibit Exhibits A thru I In Support of Supplemental Memorandum)(Kurtenbach, Douglas) (Entered: 01/14/2011)
01/14/2011	<u>136</u>	NOTICE of Motion by Douglas James Kurtenbach for presentment of motion to dismiss <u>134</u> before Honorable Milton I. Shadur on 1/20/2011 at 08:45 AM.

		(Kurtenbach, Douglas) (Entered: 01/14/2011)
01/14/2011	<u>137</u>	MOTION by Defendant International Paper to dismiss <i>the Consolidated and Amended Complaint</i> (Eimer, Nathan) (Entered: 01/14/2011)
01/14/2011	<u>138</u>	MEMORANDUM by International Paper in support of motion to dismiss <u>137</u> <i>the Consolidated and Amended Complaint</i> (Eimer, Nathan) (Entered: 01/14/2011)
01/14/2011	<u>139</u>	NOTICE of Motion by Nathan P. Eimer for presentment of motion to dismiss <u>137</u> before Honorable Milton I. Shadur on 1/20/2011 at 08:45 AM. (Eimer, Nathan) (Entered: 01/14/2011)
01/14/2011	<u>140</u>	MEMORANDUM by Cascades Canada Inc., Georgia Pacific LLC, International Paper, Norampac Holdings U.S. Inc., Packaging Corporation of America, Smurfit-Stone Container Corporation, Temple-Inland, Inc., Weyerhaeuser Company in support of motion to dismiss <u>124</u> , motion to dismiss <u>137</u> , motion to dismiss <u>119</u> , motion to dismiss <u>134</u> , motion to dismiss <u>121</u> , motion to dismiss <u>127</u> , motion to dismiss <u>115</u> (Eimer, Nathan) (Entered: 01/14/2011)
01/14/2011	<u>141</u>	APPENDIX memorandum in support of motion, <u>140</u> <i>to dismiss the consolidated and amended complaint</i> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F)(Eimer, Nathan) (Entered: 01/14/2011)
01/14/2011	<u>142</u>	APPENDIX memorandum in support of motion, <u>140</u> <i>to dismiss the consolidated and amended complaint</i> (Attachments: # <u>1</u> Exhibit G, # <u>2</u> Exhibit H, # <u>3</u> Exhibit I, # <u>4</u> Exhibit J, # <u>5</u> Exhibit K, # <u>6</u> Exhibit L, # <u>7</u> Exhibit M, # <u>8</u> Exhibit N, # <u>9</u> Exhibit O, # <u>10</u> Exhibit P)(Eimer, Nathan) (Entered: 01/14/2011)
01/14/2011	<u>143</u>	APPENDIX memorandum in support of motion, <u>140</u> <i>to dismiss the consolidated and amended complaint</i> (Attachments: # <u>1</u> Exhibit Q, # <u>2</u> Exhibit R, # <u>3</u> Exhibit S, # <u>4</u> Exhibit T, # <u>5</u> Exhibit U, # <u>6</u> Exhibit V, # <u>7</u> Exhibit W, # <u>8</u> Exhibit X, # <u>9</u> Exhibit Y)(Eimer, Nathan) (Entered: 01/14/2011)
01/14/2011	<u>144</u>	APPENDIX memorandum in support of motion, <u>140</u> <i>to dismiss the consolidated and amended complaint</i> (Attachments: # <u>1</u> Exhibit Z, # <u>2</u> Exhibit AA, # <u>3</u> Exhibit BB, # <u>4</u> Exhibit CC, # <u>5</u> Exhibit DD)(Eimer, Nathan) (Entered: 01/14/2011)
01/20/2011	<u>145</u>	MINUTE entry before Honorable Milton I. Shadur: Motion to appoint counsel <u>71</u> is denied. For the reasons stated orally in open court the Court designates The Mogin Law Firm, P.C. and Freed Kanner London & Millen LLC as co-lead class counsel. Motion to appoint counsel <u>98</u> is granted. This Court has considered Defendants' joint Motion to stay and it finds that the motion should be and <u>125</u> is denied. In light of the longer-than-customary time table that this Court has set for the response to the dismissal motions, (1) the advance disclosure provisions of Fed. R. Civ. P. 26(a)(1)(A) shall be complied with and (2) follow-up discovery may go forward, subject in each of those respects to the presentation for this Court's consideration of a motion



		or motions by one or more defendants that some portion of those obligations is proving unduly burdensome or oppressive. Status hearing held on 1/20/2011. Status hearing set for 3/10/2011 at 08:45 AM. Responses to motions to dismiss are due by 3/3/2011. Mailed notice (srn, ) (Entered: 01/20/2011)
01/26/2011	<u>146</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-5643891. (Justice lazarus, Rebecca) (Entered: 01/26/2011)
01/26/2011	<u>147</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-5643896. (Schwing, Austin) (Entered: 01/26/2011)
01/26/2011	<u>148</u>	MINUTE entry before Honorable Milton I. Shadur: Rebecca Justice Lazarus and Austin Schwing are granted leave to appear pro hac vice on behalf of International Paper Company. ( <u>146</u> -1, <u>147</u> -1) Mailed notice (ber, ) (Entered: 01/26/2011)
01/26/2011	<u>149</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-5648189. <i>for Christopher M. Burke</i> (Burke, Christopher) (Entered: 01/26/2011)
01/27/2011	<u>150</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-5649237. (Clark, Brian) (Entered: 01/27/2011)
01/27/2011	<u>151</u>	MINUTE entry before Honorable Milton I. Shadur: Christopher M. Burke is granted leave to appear pro hac vice on behalf of Kleen Products, LLC. ( <u>149</u> -1) Mailed notice (ber, ) (Entered: 01/27/2011)
01/27/2011	<u>152</u>	MINUTE entry before Honorable Milton I. Shadur: Brian D. Clark is granted leave to appear pro hac vice on behalf of Plaintiff, RPR Enterprises, Inc. ( <u>150</u> -1) Mailed notice (ber, ) (Entered: 01/27/2011)
01/28/2011	<u>153</u>	ATTORNEY Appearance for Plaintiff R.P.R. Enterprises, Inc. by Brian D. Clark (Clark, Brian) (Entered: 01/28/2011)
01/31/2011	<u>154</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-5663336. <i>for Kristen M. Anderson</i> (Anderson, Kristen) (Entered: 01/31/2011)
01/31/2011	<u>155</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-5663460. (Lewis, Rachael) (Entered: 01/31/2011)
02/01/2011	<u>156</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-5668508. (Saveri, Richard) (Entered: 02/01/2011)
02/01/2011	<u>157</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-5668509. (Saveri, Richard) (Entered: 02/01/2011)
02/01/2011	<u>158</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-5668510. (Saveri, Richard) (Entered: 02/01/2011)
02/03/2011	<u>159</u>	MINUTE entry before Honorable Milton I. Shadur: Kristen M. Anderson, R. Alexander Saveri and Geoffrey C. Rushing are granted leave to appear pro hac vice on behalf of Kleen Products, ( <u>154</u> -1, <u>156</u> -1, <u>157</u> -1) Rachel V. Lewis is granted leave to appear pro hac vice on behalf of Weyerhaeuser Co.

		( <u>155</u> -1). Mailed notice (ber, ) (Entered: 02/03/2011)
02/03/2011	<u>160</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-5672527. (Attachments: # <u>1</u> Exhibit Appendix A of to the Motion for Admission Pro Hac Vice of Martin I Twersky [Additional Court Admissions])(Twersky, Martin) (Entered: 02/03/2011)
02/03/2011	<u>161</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-5672549. (Attachments: # <u>1</u> Exhibit Appendix A of to the Motion for Admission Pro Hac Vice of H Laddie Montague Jr [Additional Court Admissions])(Montague, H. laddie) (Entered: 02/03/2011)
02/04/2011	<u>162</u>	MINUTE entry before Honorable Milton I. Shadur: H. Laddie Montague, Jr., William Heye and Martin I. Twersky are granted leave to appear pro hac vice on behalf of Plaintiff, Kleen Products, LLC. ( <u>158</u> -1, <u>160</u> -1, <u>161</u> -1) Mailed notice (ber, ) (Entered: 02/04/2011)
02/07/2011	<u>163</u>	MOTION by Defendants Cascades Canada Inc., Georgia Pacific LLC, International Paper, Norampac Holdings U.S. Inc., Packaging Corporation of America, Smurfit-Stone Container Corporation, Temple-Inland, Inc., Weyerhaeuser Company to amend/correct memorandum in support of motion, <u>140</u> (Attachments: # <u>1</u> Exhibit A)(Eimer, Nathan) (Entered: 02/07/2011)
02/07/2011	<u>164</u>	NOTICE of Motion by Nathan P. Eimer for presentment of motion to amend/correct,, motion for relief, <u>163</u> before Honorable Milton I. Shadur on 2/10/2011 at 09:15 AM. (Eimer, Nathan) (Entered: 02/07/2011)
02/08/2011	<u>165</u>	MINUTE entry before Honorable Milton I. Shadur:Motion to to file a corrected joint memorandum of law in support of defendants' motions to dismiss the consolidated and amended complaint <u>163</u> is granted. Mailed notice (srn, ) (Entered: 02/08/2011)
02/08/2011	<u>166</u>	MOTION by counsel for Plaintiff Thule, Inc. to withdraw as attorney <i>Paula M. Roach</i> (Sweeney, Bonny) (Entered: 02/08/2011)
02/08/2011	<u>167</u>	NOTICE of Motion by Bonny E. Sweeney for presentment of motion to withdraw as attorney <u>166</u> before Honorable Milton I. Shadur on 2/10/2011 at 09:15 AM. (Sweeney, Bonny) (Entered: 02/08/2011)
02/08/2011	<u>168</u>	CORRECTED JOINT MEMORANDUM by Cascades Canada Inc., Georgia Pacific LLC, International Paper, Norampac Holdings U.S. Inc., Packaging Corporation of America, Smurfit-Stone Container Corporation, Temple-Inland, Inc., Weyerhaeuser Company in support of motion to dismiss <u>124</u> , motion to dismiss <u>137</u> , motion to dismiss <u>119</u> , motion to dismiss <u>134</u> , motion to dismiss <u>121</u> , motion to dismiss <u>127</u> , motion to dismiss <u>115</u> . (ber, ) (Entered: 02/09/2011)
02/10/2011	<u>169</u>	MINUTE entry before Honorable Milton I. Shadur:Motion to withdraw as attorney <u>166</u> is granted; Attorney Paula M. Roach terminated.Mailed notice (srn, ) (Entered: 02/10/2011)
02/11/2011	<u>170</u>	TRANSCRIPT OF PROCEEDINGS held on 01/20/2011 before the Honorable Milton I. Shadur. Court Reporter Contact Information: Rosemary

		<p>Scarpelli, (312)435-5815, Rosemary_Scarpelli@ilnd.uscourts.gov.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at <a href="http://www.ilnd.uscourts.gov">www.ilnd.uscourts.gov</a> under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 3/4/2011. Redacted Transcript Deadline set for 3/14/2011. Release of Transcript Restriction set for 5/12/2011. (Scarpelli, Rosemary) (Entered: 02/11/2011)</p>
02/25/2011	<u>171</u>	MOTION by Plaintiffs Chandler Packaging, Inc., Distributors Packaging Group, LLC, Ferraro Foods of North Carolina, LLC., Ferraro Foods, Inc., Kleen Products LLC, Mighty Pac, Inc., R.P.R. Enterprises, Inc., RHE Hatco, Inc., Thule, Inc. for leave to file excess pages ( <i>Unopposed</i> ) (Freed, Michael) (Entered: 02/25/2011)
02/25/2011	<u>172</u>	NOTICE of Motion by Michael Jerry Freed for presentment of motion for leave to file excess pages, <u>171</u> before Honorable Milton I. Shadur on 3/1/2011 at 09:15 AM. (Freed, Michael) (Entered: 02/25/2011)
02/28/2011	<u>173</u>	MINUTE entry before Honorable Milton I. Shadur: Motion for leave to file excess pages <u>171</u> is granted. Mailed notice (srn, ) (Entered: 02/28/2011)
03/03/2011	<u>174</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-5762910. (Lombardo, Richard) (Entered: 03/03/2011)
03/03/2011	<u>175</u>	MEMORANDUM by Chandler Packaging, Inc., Distributors Packaging Group, LLC, Ferraro Foods of North Carolina, LLC., Ferraro Foods, Inc., Kleen Products LLC, Mighty Pac, Inc., R.P.R. Enterprises, Inc., RHE Hatco, Inc., Thule, Inc. in Opposition to motion to dismiss <u>124</u> , motion to dismiss <u>137</u> , motion to dismiss <u>119</u> , motion to dismiss <u>134</u> , motion to dismiss <u>121</u> , motion to dismiss <u>127</u> , motion to dismiss <u>115</u> (Attachments: # <u>1</u> Appendix of Exhibits (with Exhibits 1-3))(Freed, Michael) (Entered: 03/03/2011)
03/08/2011	<u>176</u>	MINUTE entry before Honorable Milton I. Shadur: Richard F. Lombardo is granted leave to appear pro hac vice on behalf of the RPR Enterprises, Inc. (174-1) Mailed notice (ber, ) (Entered: 03/08/2011)
03/08/2011	<u>177</u>	ATTORNEY Appearance for Plaintiff R.P.R. Enterprises, Inc. by Richard Frank Lombardo (Lombardo, Richard) (Entered: 03/08/2011)
03/08/2011	<u>178</u>	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by R.P.R. Enterprises, Inc. (Lombardo, Richard) (Entered: 03/08/2011)
03/10/2011	<u>179</u>	MINUTE entry before Honorable Milton I. Shadur: Status hearing held on 3/10/2011. Defendants' reply to their motion to dismiss is to be filed on or before March 31, 2011. Mailed notice (srn, ) (Entered: 03/10/2011)
03/25/2011	<u>180</u>	MOTION by Defendants Cascades Canada Inc., Georgia Pacific LLC,

		International Paper, Norampac Holdings U.S. Inc., Packaging Corporation of America, Smurfit-Stone Container Corporation, Temple-Inland, Inc., Weyerhaeuser Company for leave to file excess pages (Eimer, Nathan) (Entered: 03/25/2011)
03/25/2011	<u>181</u>	NOTICE of Motion by Nathan P. Eimer for presentment of motion for leave to file excess pages, <u>180</u> before Honorable Milton I. Shadur on 3/29/2011 at 09:15 AM. (Eimer, Nathan) (Entered: 03/25/2011)
03/28/2011	<u>182</u>	MINUTE entry before Honorable Milton I. Shadur: Although plaintiffs' counsel have expressed no opposition to the motion by defense counsel seeking leave to file a 50 page reply memorandum in support of their motions to dismiss, in candor this Court sees no need for such an extended treatment in light of the already extensive original memoranda in the case. It grants defendants' motion with reluctance and with a hope that some consideration for this court be exhibited in the generation of the reply. <u>180</u> Mailed notice (srn, ) (Entered: 03/28/2011)
03/29/2011	<u>183</u>	NOTICE by Manuel Juan Dominguez of Change of Address for <i>Berman DeValerio</i> (Dominguez, Manuel) (Entered: 03/29/2011)
03/31/2011	<u>184</u>	REPLY by Defendant Temple-Inland, Inc. to memorandum in opposition to motion, <u>175</u> , motion to dismiss <u>115</u> (Marovitz, Andrew) (Entered: 03/31/2011)
03/31/2011	<u>185</u>	REPLY by Defendant Smurfit-Stone Container Corporation to motion to dismiss <u>121</u> (Attachments: # <u>1</u> Exhibit 1)(McCareins, R.) (Entered: 03/31/2011)
03/31/2011	<u>186</u>	REPLY by Defendant Packaging Corporation of America to memorandum in opposition to motion, <u>175</u> , motion to dismiss <u>134</u> (Kurtenbach, Douglas) (Entered: 03/31/2011)
03/31/2011	<u>187</u>	REPLY by Defendant Georgia Pacific LLC to memorandum in opposition to motion, <u>175</u> , motion to dismiss <u>127</u> (Rashid, Sami) (Entered: 03/31/2011)
03/31/2011	<u>188</u>	REPLY by Defendants Cascades Canada Inc., Georgia Pacific LLC, International Paper, Norampac Holdings U.S. Inc., Packaging Corporation of America, Smurfit-Stone Container Corporation, Temple-Inland, Inc., Weyerhaeuser Company to memorandum in opposition to motion, <u>175</u> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit s)(Eimer, Nathan) (Entered: 03/31/2011)
03/31/2011	<u>189</u>	REPLY by Defendants Cascades Canada Inc., Norampac Holdings U.S. Inc. to memorandum in opposition to motion, <u>175</u> , motion to dismiss <u>124</u> (Attachments: # <u>1</u> Exhibit 1)(Mendel, Scott) (Entered: 03/31/2011)
04/05/2011	<u>190</u>	NOTICE of Voluntary Dismissal by Thule, Inc. Pursuant to Fed. R. Civ. P. 41(a)(1) (Miller, Marvin) (Entered: 04/05/2011)
04/08/2011	<u>191</u>	MINUTE entry before Honorable Milton I. Shadur:Enter Memorandum Opinion and Order. In sum, Plaintiffs have successfully pleaded an antitrust claim. All of Defendants' motions to dismiss <u>115</u> <u>119</u> <u>121</u> <u>124</u> <u>127</u> <u>134</u> <u>137</u> are denied, and Defendants are ordered to answer the Complaint on or before

		May 2, 2011. If and to the extent that the parties have not previously engaged in the advance disclosures called for by Rule 26(a), they are ordered to do so by that same May 2, date. Status hearing set for 5/9/2011 at 08:45 AM.Mailed notice (srn, ) (Entered: 04/08/2011)
04/08/2011	<u>192</u>	MINUTE entry before Honorable Milton I. Shadur:Pursuant to the notice of dismissal filed 4/5/11 plaintiff Thule, Inc. and Thule, Inc. are dismissed.Mailed notice (srn, ) (Entered: 04/08/2011)
04/08/2011	<u>193</u>	MEMORANDUM Opinion and Order Signed by the Honorable Milton I. Shadur on 4/8/2011:Mailed notice(srn, ) (Entered: 04/08/2011)
05/02/2011	<u>194</u>	ANSWER to amended complaint by International Paper(Eimer, Nathan) (Entered: 05/02/2011)
05/02/2011	<u>195</u>	ANSWER to amended complaint by Smurfit-Stone Container Corporation (McCareins, R.) (Entered: 05/02/2011)
05/02/2011	<u>196</u>	ANSWER to amended complaint by Cascades Canada Inc., Norampac Holdings U.S. Inc.(Mendel, Scott) (Entered: 05/02/2011)
05/02/2011	<u>197</u>	ANSWER to amended complaint <i>for violation of the sherman act, with affirmative defenses</i> by Temple-Inland, Inc.(Marovitz, Andrew) (Entered: 05/02/2011)
05/02/2011	<u>198</u>	ANSWER to amended complaint by Weyerhaeuser Company(Lewis, Rachael) (Entered: 05/02/2011)
05/02/2011	<u>199</u>	ANSWER to amended complaint by Georgia Pacific LLC(Taylor, Kyle) (Entered: 05/02/2011)
05/02/2011	<u>200</u>	<i>Packaging Corporation of America's</i> ANSWER to amended complaint by Packaging Corporation of America(Kurtenbach, Douglas) (Entered: 05/02/2011)
05/09/2011	<u>201</u>	MINUTE entry before Honorable Milton I. Shadur:Status hearing held on 5/9/2011. Status hearing set for 8/16/2011 at 09:00 AM.Mailed notice (srn, ) (Entered: 05/09/2011)
06/13/2011	<u>202</u>	MOTION by Defendant Smurfit-Stone Container Corporation to substitute party ( <i>Unopposed</i> ) (McCareins, R.) (Entered: 06/13/2011)
06/13/2011	<u>203</u>	NOTICE of Motion by R. Mark McCareins for presentment of motion to substitute party <u>202</u> before Honorable Milton I. Shadur on 6/16/2011 at 09:15 AM. (McCareins, R.) (Entered: 06/13/2011)
06/13/2011	<u>204</u>	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by Smurfit-Stone Container Corporation (McCareins, R.) (Entered: 06/13/2011)
06/16/2011	<u>205</u>	MINUTE entry before Honorable Milton I. Shadur: Motion hearing held. Defendant's motion to substitute is granted. (202-1) The Clerk is directed to substitute RockTenn CP, LLC as a defendant in this action in place of Smurfit-Stone Container Corp. Mailed notice (ber, ) (Entered: 06/16/2011)
06/17/2011	<u>206</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number

		0752-6107918. (Esades, Vincent) (Entered: 06/17/2011)
07/07/2011	<u>207</u>	MINUTE entry before Honorable Milton I. Shadur: Vincent J. Esades is granted leave to appear pro hac vice on behalf of Ferraro Foods, Inc., and Ferraro Foods of North Carolina, LLC. (206-1) Mailed notice (ber, ) (ber, ). (Entered: 07/07/2011)
07/14/2011	<u>208</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-6187585. <i>Erin C. Burns</i> (Burns, Erin) (Entered: 07/14/2011)
07/14/2011	<u>209</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-6188040. <i>Dianne M. Nast</i> (Nast, Dianne) (Entered: 07/14/2011)
07/22/2011	<u>210</u>	MINUTE entry before Honorable Milton I. Shadur: Erin C. Burns and Dianne M. Nast are granted leave to appear pro hac vice on behalf of Kleen Products, LLC. ( <u>208</u> -1, <u>209</u> -1) Mailed notice (ber, ) (Entered: 07/22/2011)
07/22/2011	<u>211</u>	NOTICE by Lee Albert of Change of Address <i>Notice of Firm Name Change</i> (Albert, Lee) (Entered: 07/22/2011)
07/22/2011	<u>212</u>	ATTORNEY Appearance for Plaintiff Kleen Products LLC by Dianne M Nast (Nast, Dianne) (Entered: 07/22/2011)
07/22/2011	<u>213</u>	ATTORNEY Appearance for Plaintiff Kleen Products LLC by Erin C. Burns (Burns, Erin) (Entered: 07/22/2011)
07/22/2011	<u>214</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-6213317. (Goodwin, Charles) (Entered: 07/22/2011)
08/08/2011	<u>215</u>	MINUTE entry before Honorable Milton I. Shadur: Charles P. Goodwin is granted leave to appear pro hac vice on behalf of Plaintiff. ( <u>214</u> -1). Mailed notice (ber, ) (Entered: 08/09/2011)
08/11/2011	<u>216</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-6273450. (Noss, Walter) (Entered: 08/11/2011)
08/12/2011	<u>217</u>	MINUTE entry before Honorable Milton I. Shadur: Walter Noss is granted leave to appear pro hac vice on behalf of the Plaintiff. ( <u>216</u> -1) Mailed notice (ber, ) (Entered: 08/12/2011)
08/12/2011	<u>218</u>	MOTION by Defendants Cascades Canada Inc., Georgia Pacific LLC, International Paper, Norampac Holdings U.S. Inc., Packaging Corporation of America, RockTenn CP, LLC, Temple-Inland, Inc., Weyerhaeuser Company, Plaintiffs Chandler Packaging, Inc., Distributors Packaging Group, LLC, Ferraro Foods of North Carolina, LLC., Ferraro Foods, Inc., Kleen Products LLC, Mighty Pac, Inc., R.P.R. Enterprises, Inc., RHE Hatco, Inc. for protective order (Eimer, Nathan) (Entered: 08/12/2011)
08/12/2011	<u>219</u>	NOTICE of Motion by Nathan P. Eimer for presentment of motion for protective order, <u>218</u> before Honorable Milton I. Shadur on 8/16/2011 at 09:00 AM. (Eimer, Nathan) (Entered: 08/12/2011)
08/12/2011	<u>220</u>	MOTION by Defendants Cascades, Inc., Georgia Pacific LLC, International Paper, Norampac Holdings U.S. Inc., Packaging Corporation of America, RockTenn CP, LLC, Temple-Inland, Inc., Weyerhaeuser Company, Plaintiffs

		Chandler Packaging, Inc., Distributors Packaging Group, LLC, Ferraro Foods of North Carolina, LLC., Ferraro Foods, Inc., Kleen Products LLC, Mighty Pac, Inc., R.P.R. Enterprises, Inc., RHE Hatco, Inc. for discovery (Eimer, Nathan) (Entered: 08/12/2011)
08/12/2011	<u>221</u>	NOTICE of Motion by Nathan P. Eimer for presentment of motion for discovery, <u>220</u> before Honorable Milton I. Shadur on 8/16/2011 at 09:00 AM. (Eimer, Nathan) (Entered: 08/12/2011)
08/12/2011	<u>222</u>	STATUS Report by Cascades Canada Inc., Chandler Packaging, Inc., Distributors Packaging Group, LLC, Ferraro Foods of North Carolina, LLC., Ferraro Foods, Inc., Georgia Pacific LLC, International Paper, Kleen Products LLC, Mighty Pac, Inc., Norampac Holdings U.S. Inc., Packaging Corporation of America, R.P.R. Enterprises, Inc., RHE Hatco, Inc., RockTenn CP, LLC, Temple-Inland, Inc., Weyerhaeuser Company (Eimer, Nathan) (Entered: 08/12/2011)
08/15/2011	<u>223</u>	MINUTE entry before Honorable Milton I. Shadur:Motion for discovery <u>220</u> is granted.Mailed notice (srn, ) (Entered: 08/15/2011)
08/15/2011	<u>224</u>	MINUTE entry before Honorable Milton I. Shadur:Motion for protective order <u>218</u> is granted. Mailed notice (srn, ) (Entered: 08/15/2011)
08/15/2011	<u>227</u>	PROTECTIVE Order Signed by the Honorable Milton I. Shadur on 8/15/2011. (ber, ) (Entered: 08/17/2011)
08/16/2011	<u>225</u>	MOTION by Plaintiff Kleen Products LLCLeave to Appear Pro Hacc Vice <i>Filing Fee Receipt No. is 0752-6272713</i> (Goldberg, Joseph) (Entered: 08/16/2011)
08/16/2011	<u>226</u>	MINUTE entry before Honorable Milton I. Shadur:Status hearing held on 8/16/2011. Status hearing set for 11/16/2011 at 09:00 AM.Mailed notice (srn, ) (Entered: 08/16/2011)
08/16/2011	<u>228</u>	MINUTE entry before Honorable Milton I. Shadur: Enter Stipulation and Order Relating to Expert Discovery. [For further detail see separate order(s).] Mailed notice (ber, ) (Entered: 08/17/2011)
08/16/2011	<u>229</u>	STIPULATION AND ORDER Relating to Expert Discovery Signed by the Honorable Milton I. Shadur on 8/16/2011. (ber, ) (Entered: 08/17/2011)
08/23/2011	<u>230</u>	MINUTE entry before Honorable Milton I. Shadur: Joseph Goldberg is granted leave to appear pro hac vice on behalf of Kleen Products, LLC. ( <u>225</u> -1) Mailed notice (ber, ) (Entered: 08/23/2011)
08/31/2011	<u>231</u>	TRANSCRIPT OF PROCEEDINGS held on 05/09/2011 before the Honorable Milton I. Shadur. Court Reporter Contact Information: Rosemary Scarpelli, (312)435-5815, Rosemary_Scarpelli@ilnd.uscourts.gov.  IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under

		<p>Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 9/21/2011. Redacted Transcript Deadline set for 10/3/2011. Release of Transcript Restriction set for 11/29/2011. (Scarpelli, Rosemary) (Entered: 08/31/2011)</p>
08/31/2011	<u>232</u>	<p>TRANSCRIPT OF PROCEEDINGS held on 06/16/2011 before the Honorable Milton I. Shadur. Court Reporter Contact Information: Rosemary Scarpelli, (312)435-5815, Rosemary_Scarpelli@ilnd.uscourts.gov.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 9/21/2011. Redacted Transcript Deadline set for 10/3/2011. Release of Transcript Restriction set for 11/29/2011. (Scarpelli, Rosemary) (Entered: 08/31/2011)</p>
08/31/2011	<u>233</u>	<p>TRANSCRIPT OF PROCEEDINGS held on 08/16/2011 before the Honorable Milton I. Shadur. Court Reporter Contact Information: Rosemary Scarpelli, (312)435-5815, Rosemary_Scarpelli@ilnd.uscourts.gov.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 9/21/2011. Redacted Transcript Deadline set for 10/3/2011. Release of Transcript Restriction set for 11/29/2011. (Scarpelli, Rosemary) (Entered: 08/31/2011)</p>
09/12/2011	<u>234</u>	<p>NOTICE by All Plaintiffs of <i>Subpoena Directed to RISI, Inc., d/b/a United Business Media</i> (Goldberg, Joseph) (Entered: 09/12/2011)</p>
09/12/2011	<u>235</u>	<p>NOTICE by All Plaintiffs of <i>Subpoena Directed to Questex Media, d/b/a Official Board Markets (OBM)</i> (Goldberg, Joseph) (Entered: 09/12/2011)</p>
09/13/2011	<u>236</u>	<p>NOTICE by All Plaintiffs of <i>Subpoena Directed to Goldman, Sachs &amp; Co.</i> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Certificate of Service)(Hedlund, Daniel) (Entered: 09/13/2011)</p>
09/16/2011	<u>237</u>	<p>ATTORNEY Appearance for Plaintiff Mighty Pac, Inc. by Daniel J. Kurowski for <i>Mighty Pac, Inc. individually and all other Plaintiff Class Representatives</i> (Kurowski, Daniel) (Entered: 09/16/2011)</p>



09/16/2011	<u>238</u>	NOTICE by All Plaintiffs of <i>Subpoena Directed to Evercore Group, LLC</i> (Kurowski, Daniel) (Entered: 09/16/2011)
09/16/2011	<u>239</u>	NOTICE by All Plaintiffs of <i>Subpoena Directed to UBS Securities LLC</i> (Kurowski, Daniel) (Entered: 09/16/2011)
09/19/2011	<u>240</u>	MINUTE entry before Honorable Milton I. Shadur: Documents 234, 235, 236, 238, and 239 are stricken from the court docket. See LR 26.3. Mailed notice (srn, ) (Entered: 09/19/2011)
09/22/2011	<u>241</u>	MOTION by counsel for Defendant International Paper to withdraw as attorney <i>John K. Theis</i> (Eimer, Nathan) (Entered: 09/22/2011)
09/22/2011	<u>242</u>	NOTICE of Motion by Nathan P. Eimer for presentment of motion to withdraw as attorney <u>241</u> before Honorable Milton I. Shadur on 9/26/2011 at 09:15 AM. (Eimer, Nathan) (Entered: 09/22/2011)
09/26/2011	<u>243</u>	MINUTE entry before Honorable Milton I. Shadur: Motion to withdraw as attorney <u>241</u> is granted; Attorney John Kenneth Theis terminated. Mailed notice (srn, ) (Entered: 09/26/2011)
10/21/2011	<u>244</u>	STIPULATION and <i>[Proposed Order]</i> regarding Production of Paper Documents, Email and Efiles (Freed, Michael) (Entered: 10/21/2011)
10/25/2011	<u>245</u>	STIPULATION and Order Regarding Production of Paper Documents, Email and Efiles Entered by the Honorable Milton I. Shadur on 10/25/2011:(gcy, ) (Entered: 10/26/2011)
10/31/2011	<u>246</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-6524760. (Sprung, Jeffrey) (Entered: 10/31/2011)
11/01/2011	<u>247</u>	MINUTE entry before Honorable Milton I. Shadur: Jeffrey T. Sprung is granted leave to appear pro hac vice on behalf of the Plaintiff (246-1). Mailed notices (gcy, ) (Entered: 11/01/2011)
11/10/2011	<u>248</u>	<i>Counsel</i> MOTION by Defendant International Paper for leave to appear as <i>Counsel</i> (Eimer, Nathan) (Entered: 11/10/2011)
11/10/2011	<u>249</u>	NOTICE of Motion by Nathan P. Eimer for presentment of motion for leave to appear <u>248</u> before Honorable Milton I. Shadur on 11/14/2011 at 09:15 AM. (Eimer, Nathan) (Entered: 11/10/2011)
11/10/2011	<u>250</u>	MINUTE entry before Honorable Milton I. Shadur: Motion for leave to appear as counsel <u>248</u> is granted. Michael M. Conway, G. Michael Halfenger and Joanne Lee are granted leave to file their appearances on behalf of defendant International Paper Co. Mailed notice (srn, ) (Entered: 11/10/2011)
11/11/2011	<u>251</u>	ATTORNEY Appearance for Defendant International Paper by Michael M. Conway (Conway, Michael) (Entered: 11/11/2011)
11/11/2011	<u>252</u>	ATTORNEY Appearance for Defendant International Paper by Gerald Michael Halfenger (Halfenger, Gerald) (Entered: 11/11/2011)
11/11/2011	<u>253</u>	ATTORNEY Appearance for Defendant International Paper by Joanne Lee (Lee, Joanne) (Entered: 11/11/2011)

11/11/2011	<u>254</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-6561940. (McKeown, James) (Entered: 11/11/2011)
11/14/2011	<u>255</u>	MINUTE entry before Honorable Milton I. Shadur: James T. McKeown is granted leave to appear pro hac vice on behalf of International Paper Company. (254-1) Attorney James T. McKeown for International Paper added. Mailed notice(mjc, ) (gcy, ). (Entered: 11/15/2011)
11/15/2011	<u>256</u>	MINUTE entry before Honorable Milton I. Shadur:At the request of counsel the Status hearing is reset for 12/7/2011 at 09:00 AM.Mailed notice (srn, ) (Entered: 11/15/2011)
11/18/2011	<u>257</u>	MINUTE entry before Honorable Milton I. Shadur:At the request of counsel the Status hearing is reset for 12/15/2011 at 09:00 AM.Mailed notice (srn, ) (Entered: 11/18/2011)
11/28/2011	<u>258</u>	NOTICE by Robert G. Eisler of Change of Address <i>Grant &amp; Eisenhofer P.A., 123 Justison Street, Wilmington, DE 19801</i> (Eisler, Robert) (Entered: 11/28/2011)
12/09/2011	<u>259</u>	ATTORNEY Appearance for Defendant Packaging Corporation of America by Leonid Feller (Feller, Leonid) (Entered: 12/09/2011)
12/13/2011	<u>260</u>	MOTION by counsel for Defendant International Paper to withdraw as attorney (Schwing, Austin) (Entered: 12/13/2011)
12/13/2011	<u>261</u>	NOTICE of Motion by Austin Schwing for presentment of motion to withdraw as attorney <u>260</u> before Honorable Milton I. Shadur on 12/15/2011 at 09:00 AM. (Schwing, Austin) (Entered: 12/13/2011)
12/13/2011	<u>262</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-6654548. (Langer, Howard) (Entered: 12/13/2011)
12/13/2011	<u>263</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-6654603. (Diver, Edward) (Entered: 12/13/2011)
12/13/2011	<u>264</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-6654656. (Leckman, Peter) (Entered: 12/13/2011)
12/13/2011	<u>265</u>	STATUS Report <i>No. 2</i> by Cascades Canada Inc., Chandler Packaging, Inc., Distributors Packaging Group, LLC, Ferraro Foods of North Carolina, LLC., Ferraro Foods, Inc., Georgia Pacific LLC, International Paper, Kleen Products LLC, Mighty Pac, Inc., Norampac Holdings U.S. Inc., Packaging Corporation of America, R.P.R. Enterprises, Inc., RHE Hatco, Inc., RockTenn CP, LLC, Temple-Inland, Inc., Weyerhaeuser Company (Eimer, Nathan) (Entered: 12/13/2011)
12/13/2011	<u>266</u>	STATUS Report ( <i>Plaintiffs' Statement of Position with Respect to Disputed Items</i> ) by Chandler Packaging, Inc., Distributors Packaging Group, LLC, Ferraro Foods of North Carolina, LLC., Ferraro Foods, Inc., Kleen Products LLC, Mighty Pac, Inc., R.P.R. Enterprises, Inc., RHE Hatco, Inc. (Attachments: # <u>1</u> Index of Exhibits (w/ Exhibits A-D))(Freed, Michael) (Entered: 12/13/2011)

12/13/2011	<u>267</u>	STATUS Report <i>Defendants' Statement of Position with Respect to Disputed Items</i> by Cascades Canada Inc., Georgia Pacific LLC, International Paper, Norampac Holdings U.S. Inc., Packaging Corporation of America, RockTenn CP, LLC, Temple-Inland, Inc., Weyerhaeuser Company (Eimer, Nathan) (Entered: 12/13/2011)
12/14/2011	<u>268</u>	MINUTE entry before Honorable Milton I. Shadur: Howerd I. Langer, Edward A. Diver and Peter E. Leckman are granted leave to appear pro hac vice on behalf of Kleen Products, LLC (262-1, 263-2, 264-1). Mailed notices (gcy, ) (Entered: 12/14/2011)
12/14/2011	<u>269</u>	ATTORNEY Appearance for Defendant International Paper by James T. Mckeown (Mckeown, James) (Entered: 12/14/2011)
12/15/2011	<u>270</u>	MINUTE entry before Honorable Milton I. Shadur: Motion to withdraw as attorney <u>260</u> is granted; Status hearing held on 12/15/2011. Attorney Robert Kim; Joshua Lipton; Daniel W Nelson; George A. Nicoud, III; Austin Schwing; Joel Willard; Casey N. Carrington and Rebecca Justice Lazarus terminated. Status hearing set for 3/15/2012 at 08:45 AM. Mailed notice (srn, ) (Entered: 12/15/2011)
01/04/2012	<u>271</u>	ATTORNEY Appearance for Defendant International Paper by Katherine Shannon Paulson (Paulson, Katherine) (Entered: 01/04/2012)
01/10/2012	<u>272</u>	Pursuant to Local Rule 72.1, this case is hereby referred to the calendar of Honorable Nan R. Nolan for the purpose of holding proceedings related to: discovery supervision. (srn, ) Mailed notice. (Entered: 01/10/2012)
01/10/2012	<u>273</u>	Notice of Firm Name Change by International Paper (Eimer, Nathan) (Entered: 01/10/2012)
01/11/2012	<u>274</u>	MINUTE entry before Honorable Nan R. Nolan: Initial status hearing set for 1/17/2012 at 09:00 a.m. before Magistrate Judge Nolan in Courtroom 1858. Counsel shall file and deliver a copy of an initial status report to chambers, Room 1870, at least one (1) business day before the initial status conference. If counsel have recently prepared and filed an initial status report, the submission of a previously filed initial status report to chambers is sufficient. If applicable, counsel shall present a completed Agreed Scheduling Order, which is available on this Courts web page, at the initial status conference. Counsel are expected to follow Judge Nolans Case Management Procedures and be familiar with Important Discovery Information posted on her web page ( <a href="http://www.ilnd.uscourts.gov/home/Judges.aspx">http://www.ilnd.uscourts.gov/home/Judges.aspx</a> ), including The Sedona Conference Cooperation Proclamation and the Seventh Circuit Electronic Discovery Pilot Programs Principles Relating to the Discovery of Electronically Stored Information. Mailed notice (lxs, ) (Entered: 01/11/2012)
01/12/2012	<u>275</u>	MINUTE entry before Honorable Nan R. Nolan: Out-of-town counsel are given leave to participate telephonically for the 1/17/2012 status hearing. Local counsel are to appear in person. Status hearing is amended to begin at 9:15 a.m. Parties to provide the Court with a bridge number for the status hearing. Mailed notice (lxs, ) (Entered: 01/12/2012)
01/13/2012	<u>276</u>	STATUS Report by Cascades Canada Inc., Chandler Packaging, Inc.,

		Distributors Packaging Group, LLC, Ferraro Foods of North Carolina, LLC., Ferraro Foods, Inc., Georgia Pacific LLC, International Paper, Kleen Products LLC, Mighty Pac, Inc., Norampac Holdings U.S. Inc., Packaging Corporation of America, R.P.R. Enterprises, Inc., RHE Hatco, Inc., RockTenn CP, LLC, Temple-Inland, Inc., Weyerhaeuser Company (Attachments: # <u>1</u> Exhibit Exhibits A-D)(Eimer, Nathan) (Entered: 01/13/2012)
01/17/2012	<u>277</u>	MINUTE entry before Honorable Nan R. Nolan: Initial status hearing held regarding Plaintiffs' Statement of Position with Respect to Disputed Items <u>266</u> and Defendants' Statement of Position with Respect to Disputed Items <u>267</u> . Plaintiffs' and Defendants' Statement of Position shall be cross briefed as follows: Responsive briefs are to be filed by 2/6/2012. Parties replies are due 2/13/2012. Responsive briefs are limited to 15 pages. Replies should be no more than 5 pages. Evidentiary hearing is set for 2/21/2012 at 10:00 a.m. Mailed notice (lxs, ) (Entered: 01/17/2012)
01/19/2012	<u>278</u>	Withdrawal by Kleen Products LLC (Greenfogel, Steven) (Entered: 01/19/2012)
01/19/2012	<u>279</u>	ATTORNEY Appearance for Plaintiff Kleen Products LLC by Steven J. Greenfogel (Greenfogel, Steven) (Entered: 01/19/2012)
01/19/2012	<u>280</u>	ATTORNEY Appearance for Defendant RockTenn CP, LLC by Joseph Lawrence Siders (Siders, Joseph) (Entered: 01/19/2012)
01/20/2012	<u>281</u>	TRANSCRIPT OF PROCEEDINGS held on 12/15/2011 before the Honorable Milton I. Shadur. Court Reporter Contact Information: Rosemary Scarpelli, (312)435-5815, Rosemary_Scarpelli@ilnd.uscourts.gov.  IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.  Redaction Request due 2/10/2012. Redacted Transcript Deadline set for 2/21/2012. Release of Transcript Restriction set for 4/19/2012. (Scarpelli, Rosemary) (Entered: 01/20/2012)
02/03/2012	<u>282</u>	ATTORNEY Appearance for Defendant International Paper by Susan M. Razzano (Razzano, Susan) (Entered: 02/03/2012)
02/03/2012	<u>283</u>	MOTION by counsel for Defendant International Paper to withdraw as attorney <i>Katherine S. Paulson</i> (Eimer, Nathan) (Entered: 02/03/2012)
02/03/2012	<u>284</u>	NOTICE of Motion by Nathan P. Eimer for presentment of motion to withdraw as attorney <u>283</u> before Honorable Milton I. Shadur on 2/7/2012 at 09:15 AM. (Eimer, Nathan) (Entered: 02/03/2012)
02/06/2012	<u>285</u>	MINUTE entry before Honorable Milton I. Shadur:Motion to withdraw as attorney <u>283</u> is granted; Attorney Katherine Shannon Paulson

		terminated.Mailed notice (sm, ) (Entered: 02/06/2012)
02/06/2012	<u>286</u>	RESTRICTING ORDER Entered by the Honorable Nan R. Nolan on 2/6/2012.(gcy, ) (Entered: 02/06/2012)
02/06/2012	<u>287</u>	ATTORNEY Appearance for Plaintiffs Chandler Packaging, Inc., Distributors Packaging Group, LLC, Ferraro Foods of North Carolina, LLC., Ferraro Foods, Inc., Kleen Products LLC, Mighty Pac, Inc., R.P.R. Enterprises, Inc., RHE Hatco, Inc. by Robert J. Wozniak (Wozniak, Robert) (Entered: 02/06/2012)
02/06/2012	<u>288</u>	Position STATEMENT by Cascades, Inc., Georgia Pacific LLC, International Paper, Norampac Holdings U.S. Inc., Packaging Corporation of America, RockTenn CP, LLC, Temple-Inland, Inc., Weyerhaeuser Company (Attachments: # <u>1</u> Exhibit 1-15, # <u>2</u> Exhibit 16-30, # <u>3</u> Exhibit 31-44)(Eimer, Nathan) (Entered: 02/06/2012)
02/06/2012	<u>289</u>	SEALED EXHIBIT by Defendants Cascades, Inc., Georgia Pacific LLC, International Paper, Norampac Holdings U.S. Inc., Packaging Corporation of America, RockTenn CP, LLC, Temple-Inland, Inc., Weyerhaeuser Company regarding statement, <u>288</u> (Attachments: # <u>1</u> Exhibit 16, # <u>2</u> Exhibit 17, # <u>3</u> Exhibit 18, # <u>4</u> Exhibit 19, # <u>5</u> Exhibit 20, # <u>6</u> Exhibit 21, # <u>7</u> Exhibit 22, # <u>8</u> Exhibit 29, # <u>9</u> Exhibit 35, # <u>10</u> Exhibit 36, # <u>11</u> Exhibit 38, # <u>12</u> Exhibit 39, # <u>13</u> Exhibit 43)(Eimer, Nathan) (Entered: 02/06/2012)
02/06/2012	<u>290</u>	Position STATEMENT by Chandler Packaging, Inc., Distributors Packaging Group, LLC, Ferraro Foods of North Carolina, LLC., Ferraro Foods, Inc., Kleen Products LLC, Mighty Pac, Inc., R.P.R. Enterprises, Inc., RHE Hatco, Inc. (Attachments: # <u>1</u> Declaration of Michael J. Freed (w/ Exhibits A-G)) (Freed, Michael) (Entered: 02/06/2012)
02/09/2012	<u>291</u>	Position STATEMENT by Cascades Canada Inc., Georgia Pacific LLC, International Paper, Norampac Holdings U.S. Inc., Packaging Corporation of America, RockTenn CP, LLC, Temple-Inland, Inc., Weyerhaeuser Company (Eimer, Nathan) (Entered: 02/09/2012)
02/10/2012	<u>292</u>	MINUTE entry before Honorable Nan R. Nolan: Evidentiary Hearing set for 2/21/2012 is amended to begin at 09:00 a.m. in courtroom 1719. Counsel are reminded to contact Courtroom Technology Administrator Joseph Novak at (312) 435-6045, regarding any equipment counsel may require for the hearing.Mailed notice (lxs, ) (Entered: 02/10/2012)
02/13/2012	<u>293</u>	MEMORANDUM by Cascades, Inc., Georgia Pacific LLC, International Paper, Norampac Holdings U.S. Inc., Packaging Corporation of America, RockTenn CP, LLC, Temple-Inland, Inc., Weyerhaeuser Company <i>Concerning Discovery Issues To Be Addressed at February 21, 2012 Hearing</i> (McCareins, R.) (Entered: 02/13/2012)
02/13/2012	<u>294</u>	REPLY by Plaintiffs Chandler Packaging, Inc., Distributors Packaging Group, LLC, Ferraro Foods of North Carolina, LLC., Ferraro Foods, Inc., Kleen Products LLC, Mighty Pac, Inc., R.P.R. Enterprises, Inc., RHE Hatco, Inc. ( <i>Reply Memorandum of Law for Evidentiary Hearing</i> ) (Attachments: # <u>1</u> Index of Exhibits (w/ Exs. A-E))(Freed, Michael) (Entered: 02/13/2012)

02/16/2012	<u>295</u>	MOTION by Defendants Cascades, Inc., Georgia Pacific LLC, International Paper, Norampac Holdings U.S. Inc., Packaging Corporation of America, RockTenn CP, LLC, Temple-Inland, Inc., Weyerhaeuser Company in limine To Exclude: (1) Testimony On Issues Beyond The Scope Of February 21, 2012 Hearing And (2) Undisclosed Expert (Echols, Barack) (Entered: 02/16/2012)
02/16/2012	<u>296</u>	MEMORANDUM by Chandler Packaging, Inc., Distributors Packaging Group, LLC, Ferraro Foods of North Carolina, LLC., Ferraro Foods, Inc., Kleen Products LLC, Mighty Pac, Inc., R.P.R. Enterprises, Inc., RHE Hatco, Inc. Regarding Defendants' Proposed Expert Testimony for Evidentiary Hearing (Mogin, Daniel) (Entered: 02/16/2012)
02/17/2012	<u>297</u>	MINUTE entry before Honorable Nan R. Nolan:For the reasons stated below, Defendants' Motion in Limine to Exclude: (1) Testimony on Issues Beyond the Scope of February 21, 2012 Hearing and (2) Undisclosed Expert [Doc. 295] is GRANTED IN PART and RESERVED IN PART. For further details, see below. (rbf, ) (Entered: 02/17/2012)
02/17/2012	<u>298</u>	MOTION by Plaintiffs Chandler Packaging, Inc., Distributors Packaging Group, LLC, Ferraro Foods of North Carolina, LLC., Ferraro Foods, Inc., Kleen Products LLC, Mighty Pac, Inc., R.P.R. Enterprises, Inc., RHE Hatco, Inc. for reconsideration regarding order on motion in limine,, terminate hearings,, terminate motion and R&R deadlines/hearings, <u>297</u> (Freed, Michael) (Entered: 02/17/2012)
02/21/2012	<u>299</u>	MOTION for Leave to Appear Pro Hac Vice for Trent M. Johnson (Johnson, Trent) (Entered: 02/21/2012)
02/21/2012	300	PAYMENT by International Paper of Pro Hac Fee \$ 50, receipt number 0752-6856228. (Johnson, Trent) (Entered: 02/21/2012)
02/21/2012	<u>301</u>	MINUTE entry before Honorable Nan R. Nolan:Evidentiary hearing held on 2/21/2012 and continued 3/28/2012 at 08:00 AM. Mailed notice (lxs, ) (lxs, ). (Entered: 02/22/2012)
02/24/2012	<u>302</u>	MINUTE entry before Honorable Milton I. Shadur:The March 15 status date is vacated. Status hearing reset for 4/30/2012 at 08:45 AM.Mailed notice (srn, ) (Entered: 02/24/2012)
03/01/2012	<u>303</u>	MINUTE entry before Honorable Milton I. Shadur: Trent M. Johnson is granted leave to appear pro hac vice on behalf of Kleen Products, LLC. (299-1). Mailed notices (gcy, ) (Entered: 03/01/2012)
03/01/2012	<u>304</u>	TRANSCRIPT OF PROCEEDINGS held on 2/21/12 before the Honorable Nan R. Nolan. EVIDENTIARY HEARING. Court Reporter Contact Information: TRACEY D. McCULLOUGH, 312-435-5570, Tracey_Mccullough@ilnd.uscourts.gov.  IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the

		redaction process, see the Court's web site at <a href="http://www.ilnd.uscourts.gov">www.ilnd.uscourts.gov</a> under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.  Redaction Request due 3/22/2012. Redacted Transcript Deadline set for 4/2/2012. Release of Transcript Restriction set for 5/30/2012. (McCullough, Tracey) (Entered: 03/01/2012)
03/01/2012	<u>305</u>	ATTORNEY Appearance for Plaintiff Kleen Products LLC by Trent M. Johnson (Johnson, Trent) (Entered: 03/01/2012)
03/08/2012	<u>306</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-6919380. (Greenwald, Marc) (Entered: 03/08/2012)
03/12/2012	<u>307</u>	MINUTE entry before Honorable Milton I. Shadur: Marc L. Greenwald is granted leave to appear pro hac vice on behalf of the defendant, Georgia-Pacific LLC. (306-1). Mailed notices (gcy, ) (Entered: 03/13/2012)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
03/16/2012 18:20:15			
<b>PACER Login:</b>	sw1067	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:10-cv-05711
<b>Billable Pages:</b>	30	<b>Cost:</b>	2.40

**Exhibit C**, a 314 page hearing transcript, is not attached here, but is available on PACER (<http://www.pacer.gov/>)



# **Exhibit D**

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October 25, 2011

**VIA ELECTRONIC MAIL**

Brett M. Anders  
Jackson Lewis LLP  
[andersb@jacksonlewis.com](mailto:andersb@jacksonlewis.com)

**Re: da Silva Moore, et al. v. PublicisGroupe SA, et al., Civ. No. 11-CV-1279**

Dear Brett,

We write in response to your October 21, 2011 letter regarding the discovery of electronically stored information (ESI) in the above-referenced case. We are pleased to hear that you no longer intend to limit e-discovery to only one data source and five non-Plaintiff custodians. However, we remain concerned about various aspects of your ESI proposal, as set out in more detail below.

In particular, we believe it is premature to discuss predictive coding and finalize the discovery plan before MSL has even determined the volume of documents that it would have to review. Nor do we understand how MSL can estimate the number of potentially relevant documents without first identifying all data sources that might contain such information. Because the identification of relevant data sources is the first step in instituting a litigation hold, let alone documenting an ESI protocol, we requested in our October 13, 2011 letter that MSL provide this information by October 21, 2011. We ask again that you promptly respond to our questions no later than October 31, 2011 so that we can move forward with e-discovery.

**I. Collection and Review of ESI**

**a. Scope of Collection and Review**

While Plaintiffs agree that phased discovery may be appropriate under certain circumstances, we do not believe MSL has any basis for limiting its Phase I collection and review to only one data source (e-mail) and five custodians (other than the Named Plaintiffs). In your October 21 letter, you repeatedly reference the 2.1 million documents that MSL has already collected. However, the relevant benchmark is not the number of documents MSL has *collected*, but the number of potentially responsive documents that MSL would have to *review*. There is no question that the volume of documents will shrink substantially after

applying targeted search criteria and removing any duplicates. Accordingly, it is premature for you to claim, before any search has even been performed, that the review would be unduly burdensome or expensive, and that only a handful of data sources and custodians should be searched at this time.

We also believe your comments regarding proportionality reflect a misunderstanding of Rule 26 and the Sedona Conference Principles. This is not a case where this data is not reasonably accessible. By contrast, Principle 2 of the Sedona Conference Principles of Proportionality clearly has in mind discovery of data that is not reasonable accessible. This is underscored by the example provided in the analysis of Principle 2: “[A] court may consider limiting discovery of not reasonably accessible back-up tapes if the information stored on the tapes can be obtained from other more accessible sources...” No such burden exists in this case.

In addition, we are concerned that MSL’s proposal to limit its Phase I search and review of documents to only one data source and a handful of custodians will exclude many core documents, including corporate policies and other centrally held documents. To date, MSL has failed to produce basic employment policies and organizational charts for a number of years during the class period. Please confirm that, along with programmatic searches of ESI, MSL is also going to perform a manual search for corporate policies and documents, organizational charts and other centrally held documents, regardless of form, that might not be captured in a programmatic search. These documents are critical to Plaintiffs’ case, and the burden of searching for them is minimal.

**b. Predictive Coding**

We believe MSL’s proposed use of predictive coding to cull down the volume of documents is putting the cart before the horse. At this early stage, before you have even proposed – let alone applied – search criteria, there is no basis for limiting the universe of responsive documents in this way. Before determining the most appropriate review protocol, the parties first need to be aware of all the relevant data sources, and agree on a list of custodians and search criteria. Accordingly, we propose deferring discussion of the review protocol until the parties have a better understanding of the Company’s data sources and the number of potentially relevant documents (i.e., after the search criteria have been applied). However, we again note (as we did in our October 13 letter) that we have serious concerns about the use of predictive coding to identify responsive documents and to satisfy MSL’s discovery obligations.

**c. Custodians**

It is well settled that the list of custodians should include all “employees likely to have relevant information” - the “key players” in the litigation. *Zubulake v. UBS Warburg LLC*, 229 F.R.D. 422, 433-34 (S.D.N.Y. 2004). At a minimum, this includes “the people identified in a party’s initial disclosure and any subsequent supplementation thereto.” *Id.* Your proposed custodian list – which includes only the Named Plaintiffs and five other individuals (Jim Tsokanos, Peter Miller, Maury Shapiro, Rita Masini and Tara Lilien) – is unduly restrictive. In addition to the abovementioned individuals, we propose applying the search criteria to all individuals identified in the Initial Disclosures, as well as members of MSL’s corporate executive team, HR employees from each office, and key decisions-makers,

including regional directors, managing directors, and practice directors. This is a reasonable starting point given the class allegations and will serve as a more representative universe of information to be considered during the search criteria analysis phase. We reserve the right to supplement the list of custodians in the second phase, and to discuss further alternative filters, based on the Phase I results.

**d. Search Criteria**

Plaintiffs do not object to the use of search criteria as a means of identifying potentially relevant documents. In fact, in our October 13 letter, we set forth a detailed search protocol. However, as we stated in that letter, logic dictates that MSL – as the party with access to the relevant ESI – prepare the initial list of search terms and related criteria. Plaintiffs can then review the list, and the parties can revise the list as needed. We believe this collaborative approach would enable the parties to most effectively capture the relevant data. We expect the scope of MSL’s search to include the time period covered in Plaintiffs’ discovery requests.

You state in your October 21 letter that it is “difficult – if not impossible” for you to develop a list of search terms because “Plaintiffs have repeatedly refused to set forth with specificity their theories of liability.” We find this excuse disingenuous. Plaintiffs’ 64-page Amended Complaint describes in great detail (far more than required under Rule 8’s pleading standard) Plaintiffs’ individual and class claims regarding pay, promotion and pregnancy/caregiver discrimination. The Amended Complaint names specific decision-makers, comparators, and potential class members believed to have information relevant to the claims. Each Plaintiff has produced documents and interrogatory responses relating to their allegations. Moreover, defense counsel raised this same unfounded complaint – that they did not understand Plaintiffs’ theory of the case – several months ago during the parties’ meet and confers. In response, we spent several hours explaining, by phone and by email, Plaintiffs’ already well-articulated allegations, including, among other things, adverse employment actions relating to a reorganization that began in or around 2008 with the appointment of Jim Tsokanos and his leadership team. If, after all this, defense counsel still fail to grasp Plaintiffs’ theories of liability, that is hardly Plaintiffs’ fault. Please provide us with a list of search criteria by October 31, 2011.

**II. Production Format**

In your October 21 letter, you note that you intend to produce single-page TIFF images with corresponding multi-page text and necessary load files. Rather than produce TIFF images, we request that you produce the documents in native file format along with the extracted multi-page text files. This format will be significantly more efficient to produce, and at no additional cost or burden to MSL. Indeed, it would be cheaper and quicker for MSL to produce the documents in this format and avoid the time and cost associated with converting native files to static images.

We are pleased that you will be able to accommodate most of our requested metadata fields. You note that MSL does not have metadata fields for the following categories: (i) Folder; (ii) ReadFlag; (iii) Importance Flag; (iv) Priority; and (v) ReadReceipt. Please provide us with a list of all fields contained within an e-mail document so that we can

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determine which, if any, fields we can use in lieu of the abovementioned fields. For example, we believe that, instead of the "Importance Flag" field, Lotus Notes may have a field called "Delivery Priority" (or something comparable).

Finally, we have concerns about your plan to strip the metadata fields from redacted documents. This will render any redacted document less useable simply because they are redacted. If you have concerns that metadata fields will contain privileged content, we will accept redacted metadata fields with indications of those redactions. In addition, we expect that all redacted documents will be produced with OCR text files. This will ensure that the document remain searchable even after the redacted portions are removed.

Please respond to our letter by October 31, 2011. We look forward to speaking with you soon.

Best regards,

/s/ Janette Wipper  
Janette Wipper

# **Exhibit E**

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November 9, 2011

**VIA ELECTRONIC MAIL**

Brett Anders  
Jackson Lewis LLP  
[andersb@jacksonlewis.com](mailto:andersb@jacksonlewis.com)

**Re: da Silva Moore, et al. v. PublicisGroupe SA, et al., Civ. No. 11-CV-1279**

Dear Brett,

We write in response to your November 3, 2011 letter regarding discovery of electronically stored information ("ESI") in this case. It is unfortunate that, once again, we have to clarify the record with respect to the parties' e-discovery meet and confers and efforts to develop an ESI protocol. We are also disappointed that, for all its talk of cooperation, MSL has yet to provide key details regarding its proposed methodology; complete information regarding its computer systems; a list of proposed search terms; and many other pieces of information that are needed to move the e-discovery process forward. To avoid any further delay, we propose that the parties schedule a follow-up meet and confer for November 11 or 14.

**I. The Parties' Meet and Confers Regarding ESI**

As an initial matter, your November 3 letter mischaracterizes the parties' meet and confer efforts regarding ESI. During the parties' two ESI conferences, on June 10, 2011 and October 12, 2011, MSL was unable to answer the majority of Plaintiffs' questions regarding the Company's ESI. Although MSL convened the initial ESI conference, which Ralph Losey, MSL's e-discovery attorney, attended and supposedly prepared for, MSL was unable to provide basic information about the Company's computer systems, back-up procedures, document preservation policies and practices, IT department, and other information regarding the Company's ESI. The only relevant piece of information Plaintiffs gleaned from the call was that MSL uses Oracle's PeopleSoft software. As a direct result of MSL's lack of knowledge regarding the Company's systems – *not*, as MSL alleges, due to Plaintiffs' lack of preparation or unwillingness to discuss ESI – the conversation shifted to employment data and other discovery matters.

On September 9, 2011, Plaintiffs noticed a 30(b)(6) deposition focused on MSL's preservation policies and practices and its computer systems for October 21, 2011. It was only with the threat of an ESI 30(b)(6) deposition looming that MSL began to take its e-discovery obligations seriously and proposed a follow-up conference.

The subsequent ESI conference, on October 12, was more productive than the first, although MSL was still unable to answer a number of questions posed by Plaintiffs' e-discovery consultant, Gene Klimov of DOAR Litigation Consulting. Following up on the telephone conference, Plaintiffs sent MSL a list of questions about its computer systems on October 13. MSL responded to some, but not all, of Plaintiffs' questions on November 3. Meanwhile, MSL unilaterally decided not to produce a witness for the 30(b)(6) deposition. In an effort to cooperate in a continued meet and confer process, Plaintiffs adjourned the deposition until November 11. Four days before the deposition, on November 7, you indicated that you were unavailable for the rescheduled deposition. In the spirit of cooperation, Plaintiffs agreed to once again adjourn the 30(b)(6) deposition. However, if the ESI process is not finalized by the end of the month, Plaintiffs will re-notice the deposition.

Over the past six weeks, the parties have exchanged numerous e-mails and letters regarding e-discovery, including Plaintiffs' correspondence dated September 15 and 29, and October 7, 13 and 25, and MSL's correspondence dated September 15, 22, 28, October 7, and November 3. However, MSL still has not shared the specifics of any sources of potentially discoverable ESI that *it* has identified as part of its discovery obligation other than email and PeopleSoft; the estimated volume of responsive documents (even though it attempts to limit the number of data sources and custodians based on the supposed burden); or a list of search criteria with Plaintiffs, despite Plaintiffs' repeated requests.

In light of the above, your claim that you "attempted to involve Plaintiffs in [the e-discovery] process early on," and that you were "forced to go it alone on preservation and e-discovery planning," is disingenuous. And, contrary to MSL's assertion, Plaintiffs have not changed their theory of the case after the *Dukes* decision. Plaintiff da Silva Moore's EEOC charge, which was filed on behalf of herself and a class of similarly situated female employees in February 2010 – over a year before the *Dukes* decision – describes the discriminatory demotions, terminations and other adverse employment actions she and other female employees endured as part of the Company-wide reorganization. In fact, MSL itself devotes an entire section of its position statement to the reorganization. Similarly, the original Complaint, filed in February 2011, describes a series of adverse employment actions related to the promotion of Jim Tsokanos to President of the Americas, and his appointment of a mostly male regional leadership team beginning in 2008.

MSL's claim that Plaintiffs "declined to provide specific guidance on exactly what [they] are looking for in Defendant MSL's e-mail collection" is also false. All of the discovery requests Plaintiffs have served so far encompass e-mail as well as other sources of ESI. Plaintiffs' requests are also straightforward and narrowly tailored. If MSL does



not understand what information is being sought in Plaintiffs' discovery requests, MSL has an obligation to seek clarification, rather than accusing Plaintiffs of failing to cooperate. Based on the parties' meet and confer efforts so far, and the fact that MSL still has not provided complete information regarding its computer systems, it is clear that MSL – not Plaintiffs – is the one dragging its feet and refusing to cooperate with respect to ESI.

## **II. Plaintiffs' Questions Regarding MSL's Computer Systems**

We are pleased to see that MSL, in its letter dated November 3, has finally provided some information regarding its computer systems – information that Plaintiffs have been eagerly awaiting for nearly five months. However, we note that MSL neglected to answer several key questions:

- Please provide details about the Yammer social media system that is/was used within the corporation.
- Please provide details about the corporate Intranet, Website and/or Extranet that is used within the corporation.
- Please provide details about the Portal system used within the corporation.
- Are there any systems in place for HR purposes? If so, please provide details for the systems and what type of data they maintain.
- How are new hire notifications publicized (internally/externally)? If there is a system in place to facilitate these functions, please provide details for the systems and what type of data they maintain.
- How are open position notifications publicized (internally/externally)? If there is a system in place to facilitate these functions, please provide details for the systems and what type of data they maintain.
- Are there any systems in place where employees can provide the company with suggestions, feedback or voice complaints? If so, please provide details for the systems and what type of data they maintain.
- Please provide details about the different mobile devices used by the custodians.
- Please provide details about the Salesforce system that is/was used within the corporation.
- Please provide details about the Prism system that is used for time and billing within the corporation.
- Please confirm that there are no Compliance systems used within the corporation.
- Please confirm that there are no Reporting systems used within the corporation.
- Please confirm that there are no legacy/decommissioned systems that are have been maintained or are currently being maintained within the corporation.
- Please provide details for any other system that is used within the corporation that you have identified as containing potentially discoverable information.
- Please confirm that data contained on laptops and/or desktops for current and former employees have been preserved since February, 2010.

- What types of applications are used by custodians? If any application is developed in house, please provide details about that application and data that it generates.
- Are there any potentially discoverable documents/ESI with non English content? If so, please provide details and a breakdown of each language.
- How many backup tapes are being preserved for GroupWise email? Please provide details for the number of tapes per backup set and indicate if you have multiple snapshots for this system along with the dates of those backups.
- Please confirm that GroupWise archives were used and if so, what format (e.g. Hit the road)
- When a new employee joins the company, is there a documentation package that is provided so that they can get familiar with the corporate systems and applications? Are there training applications, websites, videos, help guides, etc. that are available to employees? If so, please provide details for those resources.
- Please confirm that there are no other archiving systems other than EMC SourceOne.

In our October 13 letter, we asked that you provide responses to our ESI questions by October 21. MSL failed to do so, nor did it propose an alternative timeframe for complying with the request. In our October 25 letter, we asked that MSL provide the information by October 31. MSL again failed to do so. On November 3, MSL provided a partial response to Plaintiffs' ESI requests. As we stated in our October 25 letter, the identification of data sources is the first step in instituting a litigation hold, let alone documenting an ESI protocol. Accordingly, please provide responses to the abovementioned questions no later than November 11 – the date of Plaintiffs' 30(b)(6) deposition on ESI (which Plaintiffs are now rescheduling for the second time).

### **III. Predictive Coding**

While you have not yet provided us with all the relevant information regarding MSL's proposed methodology, we do have serious concerns about your approach based on the information you have provided so far. In your November 3 letter, you note that there may be some miscommunication on the issue of predictive coding. However, you clearly state in your letter that you plan to use predictive coding both to identify relevant documents and to "speed up the review" in the final review stage. Accordingly, it appears that you do in fact intend to use predictive coding to bypass manual review to some extent and it is the way in which you plan to use the technology that concerns us.

As we stated in our October 25 letter, it is premature to discuss predictive coding and finalize the discovery plan before MSL has even informed the plaintiffs of the sources of potentially relevant information that need to be addressed. Furthermore, until all of those sources have been identified and agreed to by the plaintiffs, MSL is uninformed as to the nature and volume of ESI that would be subject to the predictive coding process. Therefore, you are unable to identify a representative sample set that would be used as the basis of your predictive coding efforts – a critical step in defending the use of that

approach. Once an agreement has been reached regarding the data sources, we believe that our proposed search protocol would allow all parties to quantify the universe of potentially responsive documents and focus the review and production efforts on a discrete, yet relevant, subset.

MSL has also neglected to provide key information regarding its proposed use of predictive coding. For example, MSL has not disclosed the complete makeup of the data; how it intends to sample the data; who determines how representative the sample set is; when and if search terms are going to be applied to the process; what portions of the result sets are evaluated for accuracy; or what limitations are inherent in the process. Technology is vital to the e-discovery process but it is also a double-edged sword which, if not applied correctly, can have serious repercussions. Given the ongoing discovery disputes and frequent misunderstandings between the parties, we believe this is not the ideal test case for predictive coding, especially the way that MSL is suggesting to use it. However, we would require full disclosure of your proposed methodology in order to fully consider our position regarding its use. We also believe it is premature to discuss issue codes given the more fundamental disputes regarding methodology.

#### **IV. Search Criteria**

As we stated in our previous correspondence, we believe the best and most efficient way to identify responsive documents would be to apply search criteria (including Boolean searches, proximity searches, and other filtering/culling techniques, including concept searches) across the entire universe of potentially discoverable ESI at MSL. Plaintiffs intend to fully participate in this process, but MSL, as the party that controls most of the ESI, is in the best position to compile the initial list of search criteria. Plaintiffs would then review the list and augment it if necessary. After the parties agree on the initial search criteria, we propose that MSL apply the search criteria across a randomly selected representative subset of data. Depending on the number of hits (and whether certain terms are over or under-inclusive), the parties could adjust the list of search criteria to obtain optimal results. We would then ask you to run the agreed upon list of search criteria across the total population and provide us with a hit report indicating the total number of documents. The parties would then discuss any modifications or isolated targeting of outliers and finalize a list of search criteria.

In our letters dated October 13 and October 25, we asked MSL to begin this collaborative process by providing an initial list of search criteria, which Plaintiffs could then review and supplement as needed. However, MSL has yet to share its proposed search criteria, despite Plaintiffs' request that such information be provided by October 31.

In your November 3 letter, you state that you will provide us with detailed reports on the metrics of many of the keywords that you have already tested. To avoid further delay, please provide us with a list of search criteria, along with any metrics associated with the searches, by November 11.

We feel that the use of these culling measures as a first step will not only target the most relevant subset of data from all representative sources of ESI, but will significantly reduce the overall volume of documents that would have to be reviewed for production.

## V. Custodians

As stated in our previous correspondence, it is well settled that the custodian list should include all individuals likely to have relevant information, i.e., the “key players.” *Zubulake v. UBS Warburg LLC*, 229 F.R.D. 422, 433-34 (S.D.N.Y. 2004). At a minimum, this includes “the people identified in a party’s initial disclosure and any supplementation thereto.” *Id.* In our October 25 letter, we stated that a reasonable starting point would be a custodian list that includes the Plaintiffs, members of MSL’s corporate executive team, HR employees from each office, and key decision-makers, including regional directors, managing directors and practice directors. At your request, we have ranked the custodians in order of general importance. Please note that we have not agreed to limit e-discovery to certain “classes” of custodians; we are simply providing our preferred order of priority so that MSL can conduct its search and production of ESI on a rolling basis, to the extent that would facilitate the e-discovery process. All of the individuals below are “key players” subject to e-discovery. In addition, Plaintiffs reserve the right to supplement their proposed custodian list.

### Class A Custodians

Class A custodians include all Plaintiffs, current and former members of MSL’s corporate executive team, current and former HR employees from each office, and key decision-makers, including current and former regional directors, managing directors and practice directors.

### Class B Custodians

Class B custodians include all of Plaintiffs’ comparators, as well as other putative class members who Plaintiffs allege experienced or may have experienced discrimination at MSL, as described in Plaintiffs’ Amended Complaint and/or Plaintiffs’ responses to MSL’s interrogatories (to the extent not covered by Class A).

### Class C Custodians

Class C custodians include any other individuals identified in the parties’ Initial Disclosures or in any of Plaintiffs’ responses to MSL’s interrogatories (to the extent not covered by Class A or B).

Please send us a revised custodian list by November 11.

## VI. E-Discovery Costs

MSL's attempt to unilaterally impose a \$200,000 cap on e-discovery costs *before MSL has even identified all relevant data sources or estimated the volume of potentially responsive documents* is wholly unsupported by the case law in this or any other Circuit. Nor is there any support for MSL's proposition that "if the plaintiffs insist on email discovery requiring greater fee expenditures than that, then they should pay for it." Plaintiffs filed a class action against MSL, and are entitled to broad discovery regarding their individual and class claims. Because the overwhelming majority of responsive documents are in MSL's sole possession, and Plaintiffs need these documents to prove their case, Plaintiffs cannot agree to an arbitrary e-discovery cap – especially at this early stage of discovery, when Plaintiffs have barely received any relevant ESI. Furthermore, any steps taken thus far to identify, collect and process ESI has been done by MSL without fully conferring with Plaintiffs. To the extent your full cooperation during the meet-and-confer process would have significantly reduced the volume and cost of dealing with ESI, MSL cannot claim that Plaintiffs should incur any of those costs. For instance, we believe that applying search terms to email data located in MSL's SourceOne email archive system would have significantly reduced the amount of email data subject to processing and related costs.

Once again, we believe MSL's position reflects a fundamental misunderstanding of the Fed. R. Civ. P. 26 and the concept of proportionality. MSL has not indicated that its data sources are not reasonably accessible. Moreover, Plaintiffs have repeatedly stated that they are willing to work with MSL to identify responsive documents in the fastest and most efficient manner possible, i.e., by applying (and refining) a list of search criteria to all relevant data sources. Such a method would narrow the universe of responsive documents exponentially. However, rather than share a list of search criteria or provide an estimate of the number of responsive documents so that the parties can engage in good faith discussions regarding the most appropriate search and review protocol, MSL has resorted to threats and ultimatums, all under the guise of "good will and cooperation."

Plaintiffs are highly confident that they will prevail in this case. However, even if MSL were to prevail, its entitlement to e-discovery costs would be questionable, particularly given MSL's refusal to consider the more efficient and cost-effective search protocol proposed by Plaintiffs.

Because it is clear that there are certain fundamental disputes regarding the appropriate ESI protocol, and to avoid further delay, Plaintiffs propose a follow-up ESI conference on November 11 or 14. Please advise by November 10 whether you are available then.

Best regards,

/s/ Janette Wipper

Janette Wipper

# **Exhibit F**

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November 29, 2011

**VIA ELECTRONIC MAIL**

Brett Anders  
Jackson Lewis LLP  
[andersb@jacksonlewis.com](mailto:andersb@jacksonlewis.com)

**Re: da Silva Moore, et al. v. Publicis Groupe SA, et al., Civ. No. 11-CV-1279**

Dear Brett,

We write in response to your November 18, 2011 letter regarding Defendant MSL's proposed keywords and search terms. Your letter contains very little information regarding MSL's proposed methodology for electronic mail discovery. Therefore, we have several questions we would like you to address in order to allow us to better understand and respond to your proposal.

**I. Custodian List**

Your November 18 letter includes a proposed list of custodians but provides no explanation of how you generated the list. At no point did MSL solicit the input of Plaintiffs regarding their custodian list. Instead, MSL's proposed custodian list appears to ignore Plaintiffs' suggested custodian groups of "key players" outlined in our November 9, 2011 letter. MSL's list also includes some custodians multiple times. For example, Tara Lilien is listed as three separate custodians: "Lilien, Tara," "Kashanian, Tara," and "Lillien, Tara."

We have the following inquiries regarding MSL's proposed custodian list (MSL Ex. A):

1. Please indicate whether any other custodians' email data has been loaded into the Accelerate system aside from the email data of those custodians reflected in MSL Ex. A.
2. Are the document counts provided in MSL Ex. A reflective of the number of emails per custodian or total documents including emails and their attachments?
3. Are the document counts provided in MSL Ex. A reported on a post-deduplicated basis?

Please see Plaintiffs' list of electronic mail custodians, which includes key players described in Plaintiffs' November 9 letter, attached hereto as Exhibit 1. This is a preliminary list, and Plaintiffs reserve the right to amend this list without prejudice as the case progresses.

## II. Search Terms

We also feel that MSL's proposed list of keywords and search terms is inadequate as it will not likely capture evidence germane to Plaintiffs' gender discrimination class claims. Further, MSL's proposed keywords do not cover different variations of the same root words. For example, MSL's keyword No. 1, "Reorganization," would not hit on the phrases "reorg," "reorganized," or "reorganizations." Finally, many of the keywords also appear on MSL's proposed custodian list. Running a search in a custodian's mailbox that bears that custodian's name would generate hits on every single email without targeting the desired subject matter relevant to this case.

We have the following inquiries regarding MSL's proposed keyword list and hit list (MSL Exs. B and D):

4. Please indicate whether "hits" as reported in MSL Ex. D refers to the number of documents responsive to each search or the number of times the keyword or search term was found among the documents that were searched.
5. Please confirm that you searched all 2,651,447 documents loaded into Axcelerate when generating your reports.
6. Please explain why the names of custodians are used as search terms. Please also explain why you used different search methods depending on custodian. For example, some searches are based solely on first or last name while others are based on first and last name.
7. We assume that quotation marks in a search term limit the search to the literal string of characters between the quotes (e.g. "Discrimination"). Please explain why you did not account for variations of the term (e.g. discriminate, discriminatory). Furthermore, please indicate what, if any, effect the use of capitalization has on the search. For example, does "discrimination" and "Discrimination" generate the same results?
8. Please explain why some search terms contain quotation marks while others do not (e.g. Nancy /2 Glick versus Nancy /2 "Brennan").
9. Please confirm that searches containing proximity operators (e.g. /2) are not limited by the order in which the words appear within the search term. Rather, searches using search terms with proximity operators should be bidirectional.
10. Please explain how proximity operators work generally within the Axcelerate system.
11. Are the document counts provided in MSL Ex. D reported on a post-deduplicated basis?



Please see Plaintiffs' list of search terms attached hereto as Exhibit 2, which is aimed at extracting information germane to this case from the custodians' electronic mailboxes. This is a preliminary list, and Plaintiffs reserve the right to amend this list without prejudice as the case progresses.

### III. Search Methods

In your November 18 letter, you describe "subset searches," using combinations of keyword searches and "broad categories of potentially discoverable documents." We are puzzled by your choice to pursue this type of search method, and you offer no explanation regarding how you chose the combinations of keywords searches. Your letter also describes your review of responsiveness but offers no guidance regarding the methodology used in order to define responsiveness. You further describe a "wildcard and/or connectors" search but do not explain how and in what instances you used these tools.

We have the following inquiries regarding MSL's proposed subset searches (MSL Exs. C and E):

12. How did you determine which search terms would be used as the "initial term" as opposed to the "combined with" term in MSL Ex. C?
13. MSL Ex. D contains terms and their syntax, while MSL Ex. C does not. Please explain how this difference affected your searches.
14. Did you structure searches of initial terms and "combined with" terms using the AND Boolean operator? If so, why do combinations of terms when searched in the inverse yield different results? For example, when you searched for the word "training" in combination with the phrase "work/life balance" 1,031 hits were reported. When the search was performed in the inverse order using the same criteria, 1,223 hits were reported.
15. What sampling method did you employ to determine how many of the documents returned by the combination searches in MSL Ex. C to review?
16. Please confirm that the total number of documents you deemed responsive in MSL Ex. D is the same number of documents you categorized in MSL Ex. E. For example, "Vickie" resulted in 292,868 "hits." Of the .55% of "hit" documents already reviewed, you deemed 57.45% to be responsive. Do the 571 documents categorized in MSL Ex. E for "Vickie" equal the same number of documents as the .55% in MSL Ex. D?
17. Please explain how you plan to use the categorization of documents in MSL Ex. E as part of your document review protocol in the Accelerate system.
18. Are the document counts provided in MSL Ex. E reported on a post-deduplicated basis?

\*\*\*\*\*

As we would like to move this process forward as quickly and cooperatively as possible, we are willing to schedule another call with our respective ESI consultants to discuss these issues further. Plaintiffs request that MSL provide a list of search term hits from custodians' mailboxes using the attached Exhibits 1 and 2 by Monday, December 5, 2011. After Plaintiffs receive a list of search term hits, the parties can work together to agree on a final search term and custodian list that will best retrieve the information relevant to this action. We look forward to resolving this issue promptly in order to move forward with discovery.

Best regards,

/s/ Janette Wipper

Janette Wipper

Encls.

**Exhibit 1 – List of Custodians**

	<b>Last Name</b>	<b>First Name</b>
1	Baskin	Robert
2	Beaudoin	Scott
3	Binkowski	David
4	Branam	Jud
5	Brennan	Nancy
6	Bryant	Steve
7	Carberry	Joseph
8	Chamberlain	David
9	Curran	Joel
10	Da Silva Moore	Monique
11	Denker	Kelly
12	Dhillon	Neil
13	Farnham	Kyle
14	Fite	Vicki
15	Fleurot	Olivier
16	Freund	Merrill
17	Gross	Meghan
18	Hass	Mark
19	Hannaford	Donald
20	Harris	Peter
21	Hughes	Keith
22	Hubbard	Zaneta
23	Kolhagen	Kelly
24	Lee	Don
25	Lilien	Tara
26	Lund	Wendy
27	Manning	Mike
28	Masini	Rita
29	Mayers	Laurie
30	Miller	Peter
31	Morsman	Michael
32	O'Donohue	MaryEllen
33	Orr	Bill
34	Perlman	Carol
35	Pierce	Heather
36	Shapiro	Maurey
37	Tsokanos	Jim
38	Wilkinson	Kate
39	Wilson	Renee

**Exhibit 2 – List of Search Terms**

adjust OR adjust*	fmia	perform OR perform*
advance OR advance*	freeze OR froze*	plan
apply OR applied OR	friedman	pmp
application	gender	prejudic*
approv*	"glass ceiling"	probation OR probation*
arens	guy OR guys	promot*
assess OR assess*	hall	pregnan*
award	harass OR harass*	raise OR raise*
baby OR babies	hausler	rationale
baker	hire OR hired OR hiring	recruit OR recruit*
balance OR balance*	hirson	region OR region*
bias OR bias*	hr OR human resources	reject OR reject*
bonus	incentive	relocat*
boy OR boys	increase OR increase*	remote
burgess	investig*	renard
caravetta	"jean-michel" OR etienne	reorg*, "re-org", "re-org*" OR
care	johnson	restruct*
central OR central*	kid OR kid*	resign OR resign*
chart	lawsuit OR suit	rogers
child OR child*	leader OR leader*	rosen
chipman	leave	salar*
comp OR compensation	levy	schneidau
complain OR complain*	marinelli	select*
common	market	sever*
commission	matern*	sex OR sex*
connor	mathias OR emmerich	showalter
critical	merit	single
"critical hire"	mcclean or mclean	son
daughter	mckenna	sullivan
discriminat*	merit	survey
divers*	"mission critical"	train OR train*
dorsey	mom OR mom* OR mother OR	transfer
donaldson	mother*	term OR term*
eeoc OR eeo OR "equal	money	trimble
employment"	morgan	unfair
equit*	nesselrodt	uniform
eval*	nominat*	vickery
exception	"o'kane" OR okane	wadia
fair	one	wage OR wage*
falcetti	org*	
family	overall	
farrell	pattern*	
flex OR flex*	pay OR paid	
"flight risk"	"part-time" OR "part time"	

# **Exhibit G**

**SANFORD WITTELS & HEISLER, LLP**

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January 3, 2012

**VIA FACSIMILE**

Honorable Andrew J. Peck  
U.S.D.C. – Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007  
Fax No. 212-805-7933

Re: **da Silva Moore, et al. v. Publicis Groupe SA, et al., Civ. No. 11-CV-1279**

Dear Judge Peck,

Plaintiffs hereby submit in advance of tomorrow's discovery conference their Proposed Protocol Relating to the Production of Electronically Stored Information ("ESI"). Plaintiffs apologize for sending a fax exceeding 15 pages to the Court; Plaintiffs believe that the Court should have the benefit of receiving their ESI Protocol in advance of the conference.

Defendant MSL ("Defendant") first shared its draft ESI Protocol with Plaintiffs on December 15, 2011. Defendant's proposal did not contain much of the necessary information that should be included in an ESI protocol, including a comprehensive listing of data sources, how those sources will or will not be addressed, custodians, litigation hold information and a full explanation of the proposed search methodology. Therefore, Plaintiffs were forced to add a considerable amount of the required information.<sup>1</sup> Plaintiffs then provided their redlined edits to Defendant on December 22, 2011. Though Plaintiffs had requested Defendant's edits to their proposed ESI Protocol, Defendant responded that it was unable to provide edits and instead requested a meet and confer call. Plaintiffs obliged, and the parties, along with Plaintiffs' ESI experts, conferred on December 29, 2011. The parties requested of each other clarification of certain matters. Plaintiffs provided Defendant with the requested information on January 2, 2012, but Defendant MSL has yet to provide the requested information. The parties and both sides' ESI experts spoke again on January 3, 2012 without resolving the issues in dispute.

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<sup>1</sup> In fact, from the beginning of the parties' discussions regarding ESI, Plaintiffs have had to identify Defendant's sources of ESI and the extent to which each source may or may not contain potentially relevant information. Defendant has instead focused their entire ESI effort on email data located in its EMC SourceOne email archival system.

Though the parties attempted to resolve outstanding ESI issues, they were unable to do so. Defendant MSL has yet to provide a redline edit or comments to Plaintiffs' latest draft of the ESI Protocol, which Plaintiffs believe to be fair and reasonable. From the beginning of the ESI negotiation process, Defendant has unilaterally chosen its ESI process and search methodology without conferring with Plaintiffs. Plaintiffs have attempted to work within Defendant's proposed methodology while honoring their restrictions. Plaintiffs agreed to Defendant's use of a "confidence level" search and suggested that the confidence level be increased in order to benefit all parties and to better ensure the accuracy of search hits while working with Defendant's self-imposed cap on the cost of complying with its discovery obligations. Plaintiffs believe that Defendant's proposed use of predictive coding while arbitrarily imposing a cap runs contrary to the reasoning behind the use of predictive coding. Furthermore, Defendant chose a service provider and approach that has greatly inflated the cost of the ESI process thus far, and Defendant has unfairly attempted to hold Plaintiffs accountable for those decisions and related fees. At no time did Defendant confer with Plaintiffs before incurring exorbitant costs related to the collection and processing of ESI that was not even requested by Plaintiffs.

Plaintiffs are willing to continue to compromise regarding the parties' ESI Protocol, and eagerly hope that Defendant MSL will do the same. We look forward to resolving any outstanding ESI issues tomorrow and thank the Court for its time and consideration of this matter.

Respectfully submitted,

/s/ Janette Wipper

Janette Wipper

Cc: All counsel of record (via e-mail)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MONIQUE DA SILVA MOORE,  
MARYELLEN O'DONOHUE, LAURIE  
MAYERS, HEATHER PIERCE, and  
KATHERINE WILKINSON, on behalf of  
themselves and all others similarly  
situated,

Plaintiffs,

vs.

PUBLICIS GROUPE SA and  
MSLGROUP,

Defendants.

Case No. 11-cv-1279 (RJS) (AJP)

PLAINTIFFS' PROPOSED PROTOCOL  
RELATING TO THE PRODUCTION OF  
ELECTRONIC STORED  
INFORMATION ("ESI")

A. Scope

1. General. The procedures and protocols outlined herein govern the production of electronically stored information ("ESI") by Defendant MSL during the pendency of this litigation. The parties to this protocol will take reasonable steps to comply with this agreed-upon protocol for the production of documents and information existing in electronic format. Nothing in this protocol will be interpreted to require disclosure of documents or information protected from disclosure by the attorney-client privilege, work-product product doctrine or any other applicable privilege or immunity.

2. Limitations and No-Waiver. This protocol provides a general framework for the production of ESI on a going forward basis. The parties and their attorneys do not intend by this protocol to waive their rights to the attorney work-product privilege, except as specifically required herein, and any such waiver shall be strictly and narrowly construed and shall not extend to other matters of information not specifically described herein. All parties preserve their attorney client privileges and other privileges and there is no intent by the protocol to in any way waive or weaken these privileges. All documents produced hereunder are full protected and



covered by the parties' confidentiality and clawback agreements and orders of the Court effectuating same.

3. Relevant Time Period. January 1, 2001 through the date of judgment.

B. ESI Preservation

1. Defendant MSL has issued litigation notices to designated employees on February 10, 2010, March 14, 2011 and June 9, 2011. Defendant MSL agrees to continue to enforce the litigation hold of information located in the Sources outlined below under section C.

C. Sources

1. The parties have identified the following sources of potentially discoverable ESI at Defendant MSL. Phase I sources will be addressed first, and Phase II sources will be addressed after Phase I source searches are complete. In addition, social media sources used by MSL employees and other sources containing employee and HR complaints yet to be identified by MSL shall be Phase I sources.

	Data Source	Description	Phase
a	EMC SourceOne Archive	Archiving System used to capture and store all incoming and outbound e-mails and selected instant message conversations saved through IBM Sametime (see below).	I
b	Lotus Notes E-mail	Active corporate system that provides e-mail communication and calendaring functions.	N/A
c	GroupWise E-mail	Legacy corporate system that provided e-mail communication and calendaring functions.	N/A
d	IBM Sametime	Lotus Notes Instant Messaging and collaboration application.	N/A
e	Home Directories	Personal network storage locations on the file server(s) dedicated to individual users.	I
f	Shared Folders	Shared network storage locations on the file server(s) that are accessible by individual users, groups of users or entire departments.	I
g	Database Servers	Backend databases (e.g. Oracle, SQL, MySQL) used to store information for front end applications or other purposes.	II
h	Halogen Software	Performance management program provided by	I

		Halogen to conduct performance evaluations.	
i	Noovoo	Corporate Intranet site based on Atlassian's content and social collaboration product, Confluence.	I
j	Corporate Feedback	E-mail addresses that employees may utilize to provide the company with comments, suggestions and overall feedback.	I
k	Hyperion Financial Management ("HFM")	Oracle application that offers global financial consolidation, reporting and analysis.	I
l	Vurv/ Taleo	Talent recruitment software.	I
m	ServiceNow	Help Desk application used to track employee computer related requests.	II
n	PeopleSoft	Human resources information management system.	I
o	PRISM	PeopleSoft component used for Time and billing management.	I
p	Portal	A project based portal provided through Oracle/BEA Systems.	II
q	Desktops/Laptops	Fixed and portable computers provided to employees to perform work related activities.	I
r	Publicis Benefits Connection	Web based site that maintains information about employee benefits and related information.	II
s	GEARS	Employee expense reporting system.	II
t	MS&L City	Former corporate Intranet.	I
u	Adium	Instant Messaging application.	N/A
v	Pidgin	Instant Messaging application.	N/A
w	IBM Lotus Traveler and MobileIron	Mobile device synchronization and security system.	N/A
x	Webmail	Web-based email application.	N/A
y	Mobile Communication Devices	Portable PDAs, smart phones, tables used for communication.	N/A
z	Yammer	Social media and collaboration portal.	N/A
aa	SalesForce.com	Web-based customer relationship management application.	N/A
bb	Removable Storage Devices	Portable storage media, external hard drives, thumb drives, etc. used to store copies of work related ESI.	N/A

a. EMC SourceOne - Defendant MSL uses SourceOne, an EMC e-mail archiving system that captures and stores all e-mail messages that pass through the corporate e-mail system. In addition, if a user chooses to save an instant messaging chat conversation from IBM Sametime (referenced below), that too would be archived in SourceOne. Defendant MSL

also acknowledged that all Calendar information is part of the e-mail content that is archived to the SourceOne system. The system was installed on [Date] and has a seven (7) year retention period for data that is archived after which it is purged. Defendant MSL will suspend all automated data destruction policies for the duration of this litigation. The parties have agreed that this data source will be handled as outlined in section E below.

b. Lotus Notes E-mail - Defendant MSL currently maintains multiple Lotus Notes Domino servers in various data centers around the world. All e-mail communication and calendar items are Journalled in real time to the EMC SourceOne archive. Defendant MSL migrated to the Lotus Notes environment from the former GroupWise e-mail system (referenced below) from [Date] to [Date] with a clean cutover on [Date]. The parties have agreed to not collect any information from this data source at this time.

c. GroupWise E-mail - Prior to the implementation of the Lotus Notes environment, GroupWise was used for all e-mail and calendar functionality. Before the decommissioning of the GroupWise servers, Defendant MSL created backup tapes of all servers that housed the GroupWise e-mail databases. The parties have agreed to not collect any information from this data source at this time and that Defendant MSL will continue to preserve the backup tapes for the duration of this litigation.

d. IBM Sametime - Defendant MSL provides custodians with the ability to have real time chat conversations via the IBM Sametime application that is part of the Lotus Notes suite of products. While chat conversations are not retained automatically, custodians may choose to save them on an ad hoc basis which would then be retained within the EMC SourceOne archive.

e. Home Directories - Custodians with corporate network access at Defendant MSL also have a dedicated and secured network storage location where they are able

to save files. Defendant MSL suggests that the content stored within this data source is wholly duplicative of what is maintained in the EMC SourceOne archive. Defendant MSL has also indicated that during the e-mail migration from GroupWise to Lotus Notes, employees were provided with cached copies of their GroupWise e-mail accounts to assist in the transition. The parties have agreed to select 7 custodians whose home directory data, including any GroupWise e-mail archives located therein, will be collected and analyzed to determine the level of duplication of documents in this data source against the data contained in the EMC SourceOne archive for the same custodians. The results of the analysis will be provided to Plaintiffs so that a determination can be made by the parties as to whether Defendant MSL will include this data source in its production of ESI to Plaintiffs. If so, the parties will attempt to reach an agreement as to the approach used to collect, review and produce responsive and non-privileged documents.

f. Shared Folders – Individual employees, groups of employees and entire departments at MSL are given access to shared network storage locations to save and share files. Defendant MSL has agreed to create and share with Plaintiffs a directory listing of all shared folders contained within the File Servers. Plaintiffs will then review and designate those folders that will be collected, reviewed and produced. In addition, the parties have agreed that Defendant MSL will review and produce all responsive and non-privileged ESI maintained within the “North America HR Drive”, a common storage location for personnel forms and related documents.

g. Database Servers – Defendant MSL has indicated that it does not utilize any database servers. Plaintiffs request clarification on this position given that Defendant MSL has provided details for applications that use Oracle as a database for information warehousing. Plaintiffs would like a confirmation that Defendant MSL does not maintain any databases,

beyond those used by the front-end applications referenced in the Sources section above, which contain potentially relevant information.

h. Halogen Software – Defendant MSL utilizes a third party product, Halogen, for performance management and employee evaluations. Plaintiffs request additional clarification about the specific type of data maintained within this system. The parties will meet and confer in order to exchange additional information and attempt to reach an agreement as to the scope of data and the approach used to collect, review and produce responsive and non-privileged documents..

i. Noovoo – Defendant MSL maintains a corporate Intranet site called “Noovoo” that was developed using Atlassian’s content and social collaboration product, Confluence, where employees are able to access company related information, offer anonymous suggestions and download corporate documents. The parties have agreed that all responsive and non-privileged ESI will be produced.

j. Corporate Feedback – Defendant MSL has maintained various e-mail addresses that employees may utilize to provide the company with comments, suggestions and overall feedback. These e-mail addresses include “powerofone@msslworldwide.com”, “poweroftheindividual@msslworldwide.com”, “townhall@msslworldwide.com” and “whatsonyourmind@msslworldwide.com”. The parties have agreed that all responsive and non-privileged ESI will be produced from these e-mail accounts and any other e-mail accounts that fall under this category of information.

k. Hyperion Financial Management (“HFM”) – Defendant MSL uses an Oracle application called HFM that offers global financial consolidation, reporting and analysis capabilities. Plaintiffs request clarification with respect to the Bonus Pool program and related

calculations that may or may not be maintained within the HFM system. The parties have agreed that all responsive and non-privileged ESI will be produced.

l. Vurv/ Taleo - Since approximately 2006, Defendant MSL used an application known as Vurv as its talent recruitment software. As of August 31, 2011, as a result of Vurv being purchased by Taleo, Defendant MSL has been using a similar application by Taleo as its talent recruitment software. The application, which is accessed through Defendant MSL's public website, allows users to search for open positions as well as input information about themselves. Plaintiffs request additional clarification about the specific type of data maintained within this system and other seemingly related sources (e.g. <http://karma.recruitmax.com>). The parties will meet and confer in order to exchange additional information and attempt to reach an agreement as to what, if any, data will be collected and the approach used to review and produce responsive and non-privileged documents.

m. ServiceNow - Defendant MSL utilizes ServiceNow as its Help Desk application. This system covers a wide variety of requests by employees computer-related assistance (e.g., troubleshoot incidents, install software, etc.). Logs generally are maintained for seven years. Defendant MSL will suspend all automated data destruction policies for the duration of this litigation. The parties have agreed that Defendant MSL will generate and produce an export from ServiceNow of all non-privileged records relating to all requested custodians.

n. PeopleSoft - MSL utilizes PeopleSoft, an Oracle-based software product, to record employee data such as date of hire, date of termination, promotions, salary increases, transfers, etc. Such information is retained indefinitely. Plaintiffs understand that the payroll processing function is a component of PeopleSoft and is referred to as "HRAS". The parties

have agreed that all responsive and non-privileged ESI, including payroll information, relating to all class members and comparators will be produced from this system.

o. PRISM - Defendant MSL utilizes PRISM for tracking time and billing. It is used primarily to track an employee's billable time. PRISM is a component of the PeopleSoft system. PRISM data is stored in the North America Data Center located in Virginia and is retained indefinitely. The parties have agreed that all responsive and non-privileged ESI relating to all class members and comparators will be produced from this system.

p. Portal - Defendant MSL maintains a portal provided through Oracle/BEA Systems. The portal is web-based and is used for light workflow activities (such as reviewing draft documents). Use of the portal is project-based and used only for a single client. Plaintiffs request additional clarification about the specific type of data maintained within this system. The parties will meet and confer in order to exchange additional information and attempt to reach an agreement as to what, if any, data will be collected and the approach used to review and produce responsive and non-privileged documents.

q. Desktops/Laptops - Defendant MSL provided employees with desktop and/or laptop computers to assist in work related activities. Defendant MSL does not have a synchronization function that would transfer ESI from the local computer's hard drive to the network storage locations. Plaintiffs understand the custodians may or may not manually transfer ESI to the network storage. Defendant MSL has indicated that during the e-mail migration from GroupWise to Lotus Notes, employees were provided with cached copies of their GroupWise e-mail accounts to assist in the transition. The parties have agreed to select 7 custodians whose local desktop and/or laptop data, including GroupWise e-mail archives that would contain communications not transferred to the EMC SourceOne archive, will be collected and analyzed for duplication against the data contained in the EMC SourceOne archive for the

same custodians. The results of the analysis will be provided to Plaintiffs so that a determination can be made by the parties as to whether Defendant MSL will include this data source in its production of ESI to Plaintiffs. If so, the parties will attempt to reach an agreement as to the approach used to collect, review and produce responsive and non-privileged documents..

r. Publicis Benefits Connection – Plaintiffs understand that Defendant MSL provides employees with access to a centralized web based site that provides access to corporate benefits information and other related content. The parties have agreed that all responsive and non-privileged ESI relating to corporate specific documents will be produced from this system.

s. GEARS – Defendant MSL maintains a centralized web-based expense tracking and reporting system called “GEARS” where users are able to enter expenses and generate reports. Plaintiffs request additional clarification about the specific type of data maintained within this system. The parties will meet and confer in order to exchange additional information and attempt to reach an agreement as to what, if any, data will be collected and the approach used to review and produce responsive and non-privileged documents.

t. MS&L City – Defendant MSL maintained a corporate web-based Intranet prior to migrating to Noovoo that contained performance management, promotion recommendation and other related forms and documents. The parties have agreed that all responsive and non-privileged ESI will be produced from this system.

u. Adium – Defendant MSL offers a free and open source instant messaging client for Mac OS X users. Defendant MSL confirms that there is no potentially discoverable ESI within this its custody or control relating to this data source.

v. Pidgin – Defendant MSL provides employees with a “social media” or instant messaging system, whose data resides with a third party messaging provider (e.g. AIM,



Yahoo!, Google Talk, MSN Messenger, etc.) Defendant MSL confirms that there is no potentially discoverable ESI within this its custody or control relating to this data source.

w. IBM Lotus Traveler and MobileIron – Defendant MSL maintains these systems for e-mail device sync and security features for employees' mobile devices, including Blackberry devices, iPhones, iPads, Android phones, and Android tablets. Defendant MSL confirms that there is no potentially discoverable ESI within this its custody or control relating to this data source.

x. Webmail – Defendant MSL allows employees to access email remotely and on the Internet. Defendant MSL confirms that there is no potentially discoverable ESI within this its custody or control relating to this data source.

y. Mobile Communication Devices - Defendant MSL provides mobile devices and/or connectivity including Blackberry devices, iPhones, iPads, Android phones, and Android tablets to all employees at the VP level and above. Defendant MSL confirms that there is no potentially discoverable ESI within this its custody or control relating to this data source.

z. Yammer – Defendant MSL provided employees with an instant messaging application hosted externally, used for approximately one year in or around 2008 through 2009. Defendant MSL confirms that there is no potentially discoverable ESI within this its custody or control relating to this data source.

aa. SalesForce.com – Defendant MSL provided access to a web-based customer relationship management application but it was not widely used. Defendant MSL confirms that there is no potentially discoverable ESI within this its custody or control relating to this data source.

bb. Removable Storage Devices – Defendant MSL does not restrict employees from using removable storage devices. Defendant MSL confirms that there is no potentially discoverable ESI within this its custody or control relating to this data source.

D. Custodians

1. The Parties agree that Defendant MSL will review and produce all relevant ESI stored in sources identified under section C.1 (except for sources listed under section C.1.a, e, m & q). The Parties agree that the production of ESI from the data sources identified under section C.1.a, e, m, & q will be limited to the following individuals:

	Custodian Name	Title
1.	Lund, Wendy	Executive VP of Global Client and Business Development
2.	Fite, Vicki	Managing Director, MSL Los Angeles
3.	Wilson, Renee	President, NE Region, Managing Director NY
4.	Brennan, Nancy	SVP/Director Corporate Branding
5.	Lilien (Lillien , Kashanian), Tara	SVP, North America Human Resources
6.	Dencker, Kelly	Senior VP, Practice Director, NY Healthcare
7.	Miller, Peter	Executive Vice President, CFO
8.	Masini, Rita	Chief Talent Officer
9.	Tsokanos, Jim	President of the Americas
10.	Dasilva, Monique	Director Healthcare Practice, Global
11.	O’Kane, Jeanine	Director of Healthcare North America
12.	Perlman, Carol	Senior VP
13.	Mayers, Laurie	SVP MS&L Digital
14.	Wilkinson, Kate	Account Executive
15.	Curran, Joel	Managing Director MSL Chicago
16.	Shapiro, Maury	North American CFO
17.	Baskin, Rob	Managing Director
18.	Pierce, Heather	VP
19.	Branam, Jud	Managing Director, MS&L Digital
20.	McDonough, Jenni	VP, Director of Human Resources
21.	Hannaford, Donald	Managing Director
22.	Orr, Bill	Managing Director
23.	Dhillon, Neil	Managing Director MSL Washington DC
24.	Hubbard, Zaneta	Account Supervisor
25.	Morgan, Valerie	HR Director
26.	Daversa, Kristin	HR Director

27.	Vosk, Lindsey	HR Manager
28.	Carberry, Joe	President, Western Region
29.	Sheffield, Julie	HR/Recruiting Associate
30.	Beaudoin, Scott	SVP of Global Consumer Marketing, NA Director of Cause Marketing and CSR
31.	Binkowski, David	Web Project Manager, SVP
32.	Bryant, Steve	Managing Director, Seattle
33.	Chamberlin, David	SVP and Director of Issues and Crisis Management
34.	Farnham, Kyle	Managing Director, Atlanta
35.	Fleurot, Olivier	CEO, MSLGroup
36.	Gross, Meghan	Managing Director, MSL Boston
37.	Hass, Mark	(former) CEO
38.	Harris, Peter	NA Director of Corporate
39.	Hughes, Keith	NA Director of Consumer Operations
40.	Kolhagen, Kelly	Managing Director, MSL Detroit
41.	Lee, Don	Managing Director, PBJs Chicago
42.	Morsman, Michael	(former) MD of Ann Arbor
43.	Charles Winner	Founder, Winner & Associates
44.	Zachary Winner	CEO, Winner & Associates
45.	Justyn Winner	Executive VP & General Counsel, Winner & Associates
46.	Matthew Gardner	Managing Director, MSL San Francisco
47.	MaryEllen O'Donohue	SVP

E. Search Methodology

1. General. The Parties have discussed the methodologies or protocols for the search and review of ESI collected from the EMC SourceOne archive and the following is a summary of the Parties' agreement on the use of Predictive Coding. This section relates solely to the EMC SourceOne data source.

2. General Overview of Predictive Coding Process. Defendant MSL will utilize the Axcelerate software by Recommind to search and review the EMC SourceOne ESI for production in this case.

The process begins with Jackson Lewis attorneys developing an understanding of the entire EMC SourceOne corpus while identifying a small number of documents, the initial seed set, that is representative of the categories to be reviewed and coded (relevance, privilege, issue-

relation). It is the step when the first seed sets are generated which is done by use of search and analytical tools, including keyword, Boolean and concept search, concept grouping, and more than 40 other automatically populated filters available within the Axcelerate system. This assists in the attorneys' identification of probative documents for each category to be reviewed and coded. The seed sets are then used to begin the Predictive Coding process. Each seed set of documents is applied to its relevant category and starts the software "training" process. The software uses each seed set to identify and prioritize all substantively similar documents over the complete corpus of the EMC SourceOne archive. The attorneys then review and code all "computer suggested" documents to ensure their proper categorization and to further calibrate the system by recoding documents into their proper categories. Axcelerate learns from the new corrected coding and the Predictive Coding process is repeated.

Attorneys representing Defendant MSL will have access to the all of the EMC SourceOne ESI to be searched and will lead the computer training, but they will obtain input and approval from Plaintiffs' counsel during the iterative seed selection and quality control processes and will share the information used to craft the search protocol as further described herein. Documents within each seed set determined to be relevant and not privileged after a double-pass review by Defendant MSL will be produced to Plaintiffs' counsel during the iterative seed set selection process. This is expected to involve multiple small set productions. Plaintiffs' counsel will review the documents produced and promptly provide defense counsel with its own evaluation of the initial coding applied to the documents, including identification of any documents it deems irrelevant.

Plaintiffs' counsel also will be provided with preliminary results of hit counts using keyword searches to create a high priority relevant seed set, and will be invited to contribute keyword and other search criteria suggestions for testing as the seed sets are developed. Again,

the keyword testing and sample review will result in iterative small set productions to Plaintiffs' counsel of documents categorized as relevant and non-privileged. Plaintiffs' counsel shall again provide prompt feedback in writing as to the documents produced in this stage. In addition, when the seed sets have been fully developed and run through the entire universe of documents, a random sample of the documents categorized as irrelevant and non-privileged by the seed sets shall be produced to Plaintiffs' counsel so they can approve or modify the categorization of the quality control findings. The irrelevant documents so produced shall be promptly returned after review and analysis by Plaintiffs' counsel.

The accuracy of the search processes, both the systems' functions and the attorney judgments to train the computer, will be tested and quality controlled by both judgmental and statistical sampling. In statistical sampling, a small set of documents is randomly selected from the total corpus of the documents to be tested. The small set is then reviewed and an error rate calculated therefrom. The error rates can then be reliably projected on the total corpus, having a margin or error directly related to the sample size.

Once trained, the predictive coding tools in Axcelerate will suggest coding categorizations for the remaining documents in the total collection. The documents deemed to be irrelevant will be sampled to verify that they are unlikely to contain relevant documents. Plaintiffs will be provided with a copy of the non-privileged documents from the sample so they can approve the quality control findings. Plaintiffs' counsel shall promptly report any disagreements on classification, and the parties shall discuss these issues in good faith, so that the seed set training may be improved accordingly. The irrelevant, non-privileged documents so produced shall be promptly returned after review and analysis by Plaintiffs' counsel. The relevant, non-privileged documents will be produced to Plaintiffs as outlined below in section G.

3. Issue Tags. The parties agree that, to the extent applicable, as part of the seed set training described above, all documents categorized as relevant and not privileged, to the extent applicable, also shall be coded by Jackson Lewis attorneys with one or more of the following agreed-upon issue tags:

a. **Reorganization:** Documents relating to the formation of MSLGroup; the reorganization, restructure, realignment or formation of the North American Leadership Team or the leadership or management team under President Jim Tsokonon; the centralization of all MSL offices and specialized units under MSLGroup; the restructure, realignment, formation or elimination of MSL's regional or local offices, practice groups, projects, teams or staff under President Jim Tsokonon; budgets and financial estimates relating to the reorganization and/or restructuring of MSLGroup; and all other documents related to reorganization and/or restructuring of MSLGroup.

b. **Promotion/Assignments:** Documents concerning decisions to request, recommend, grant or deny employees promotions or demotions, applications for promotions, recruitment or choosing of employees for promotions or demotions, job assignments, the promotion freeze, and complaints about promotions, demotions and job assignments.

c. **Work/Life Balance:** Documents relating to workplace flexibility, alternate work arrangements, flexible or reduced schedules, part-time schedules, freelance, consultants, hours spent on or at work-related activities, and complaints regarding work/life balance or work schedules.

d. **Termination:** Documents relating to termination, severance or resignation of employees, the hiring freeze, and complaints regarding terminations.

e. **Compensation:** Documents relating to salaries, raises, pay cuts, bonuses, commission, benefits, the salary/raise freeze, any other type of compensation to employees, and complaints regarding compensation.

f. **Maternity/Pregnancy:** Documents relating to pregnancy of employees, working mothers, and maternity, paternity, any other pregnancy related leave of employees, and complaints regarding pregnancy, maternity, parental leave.

g. **Complaints/HR:** Documents relating to complaints by employees regarding discrimination, harassment, pregnancy, work-life balance, compensation, promotion, demotion, termination, assignments, discipline, inappropriate comments or actions by management, the freeze or the reorganization/restructuring of MSLGroup to anyone at MSL, including but not limited to Human Resources.

h. **Publicis Groupe/Jurisdiction:** Documents relating to the relationship between MSL and Publicis Groupe.

i. **Privilege:** Documents privileged based on the attorney-client or work product doctrines.

This issue coding will take place during the initial random sample, creation of the seed set and initial and iterative training (see paragraphs 4, 5 and 6 below). This input, with the exception of Privilege tags, shall be provided to Plaintiffs' counsel along with the initial document productions. Plaintiffs' counsel shall promptly report any disagreements on classification, and the parties shall discuss these issues in good faith, so that the seed set training may be improved accordingly. This issue-tagging and disclosure shall take place during the described collaborative seed set training process only and shall not be required in subsequent productions.

4. Initial Random Sample. Using the Axcelerate software to generate a random sample of the entire corpus of documents uploaded to the Axcelerate search and review platform, Defendant MSL's attorneys will conduct a review of the random sample for relevance and to develop a baseline for calculating recall and precision. To the extent applicable, any relevant documents also will be coded with one or more of the issue tags referenced in paragraph E.3 above. The random sample consists of 16,555 documents, which represents a 99% confidence level with a confidence estimation of plus or minus 1%.<sup>1</sup>

5. Seed Set.

a. Defendant MSL. To create the initial seed set of documents that will be used to "train" the Axcelerate software as described generally above, Defendant MSL primarily utilized keywords listed on Exhibits A, B and C to this protocol, but also utilized other judgmental analysis and search techniques designed to locate highly relevant documents, including the Boolean, concept search and other features of Axcelerate. Given the volume of hits for each keyword (Exhibit A), Defendant MSL reviewed a sampling of the hits and coded them for relevance as well as for the following six preliminary issues: (i) Reorganization; (ii) Promotion; (iii) Work/Life Balance; (iv) Termination; (v) Compensation; and (vi) Maternity. Specifically, except for key words that were proper names, Defendant MSL performed several searches within each set of key word hits and reviewed a sample of the hits. The Axcelerate software ranked the hits in order of relevance based on the software's analytical capabilities and the documents were reviewed in decreasing order of relevance (i.e., each review of the sample of supplemental searches started with the highest ranked documents). Exhibit B identifies the supplemental searches conducted, the number of hits, the number of documents reviewed, the

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<sup>1</sup> At the time the random sample was generated, the Axcelerate database contained 2,980,104 documents. However, it did not include the e-mail accounts of: (i) Valerie Morgan, (ii) Kristin Daversa; (iii) Lindsay Vosk; (iv) Julie Sheffield; and (v) Joe Carberry. These accounts were still in the process of being loaded when the random sample was generated. [MSL to update figures.]



number of documents coded as potentially responsive and general comments regarding the results.<sup>2</sup> In addition, to the extent applicable, documents coded as responsive also were coded with one or more issue tags. Defendant MSL will repeat the process outlined above for the newly defined issues. Defendant MSL will provide Plaintiffs with all of the non-privileged documents and will provide, to the extent applicable, the issue tag(s) coded for each document, as described above. Plaintiffs shall promptly review and provide notice as to any documents where they disagree with or do not understand the coding. If necessary, counsel will meet and confer to attempt to resolve any disagreements regarding the coding applied to the documents in this seed set.

b. Plaintiffs. To help create the initial seed set of documents that will be used to “train” the Axcelerate software, Plaintiffs provided a list of potential key words to Defendant MSL. Defendant MSL provided Plaintiffs with a hit list for their proposed key words and Plaintiffs hereby provide a revised list of potential key words. (See Exhibit C.) Defendant MSL will provide Plaintiffs with an updated hit list using the key words provided in Exhibit C. Defendant MSL will review 5,000 randomly sampled documents from Plaintiffs’ supplemental list of key words to be coded for relevance and issues. Defendant MSL will provide Plaintiffs with all non-privileged documents and will provide, to the extent applicable, the issue tag(s) coded for each document. Plaintiffs shall promptly review and provide notice as to any documents where they disagree with or do not understand the coding. If necessary, the parties’ counsel will meet and confer to attempt to resolve any disagreements regarding the coding applied to the documents in this seed set.

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<sup>2</sup> The documents were coded as “potentially responsive” because the initial review was conducted by reviewers who were instructed to interpret responsiveness broadly and, at the time this disclosure was made to Plaintiffs’ counsel, a second level review had not been conducted.

c. Judgmental Sampling. In addition to the above, a number of targeted searches were conducted by Defendant MSL in an effort to locate documents responsive to several of Plaintiffs' specific discovery requests. Approximately 1,000 pages of documents have already been coded as responsive and produced to Plaintiffs. In addition, several judgmental searches were conducted which resulted in approximately 300 documents initially being coded as responsive and several thousand additional documents coded as irrelevant. The documents coded as relevant and non-privileged also will be reviewed by Plaintiffs and, subject to their feedback, included in the seed set. An explanation shall be provided by MSL's attorneys for the basis of the bulk tagging of irrelevant documents (primarily electronic periodicals and newsletters that were excluded in the same manner as spam junk mail is excluded). The explanation shall include the types of documents bulk tagged as irrelevant as well as the process used to identify those types of documents and other similar documents that were bulk tagged as irrelevant.

6. Initial And Iterative Training. Following the creation of the first seed set, the Axcelerate software will review the entire data set to identify other potentially relevant documents. Defendant MSL will then review a random sample of 16,555 documents (generated by the Axcelerate software) to be coded for relevance and any applicable issue tags. (This 16,555 number is based on a 99% confidence level with a confidence estimation of plus or minus 1%.) The results of this review, both the documents coded as relevant and not relevant, will be provided to Plaintiffs' counsel for review and comment as described above. Further, all documents produced by the parties herein to each other, including, without limitation, these small seed set development productions, shall be made under the Confidentiality Stipulation in this matter as well as any clawback agreement that shall be reduced to an order acceptable to the Court. Following the initial review and any related meet and confer sessions, the Axcelerate

software will conduct a second review of the entire data set to identify potentially relevant documents and, thereafter, Defendant MSL will review a random sample of 16,555 documents to be coded for relevance and any applicable issue tags. The results of this review, both the documents coded as relevant and not relevant, will be provided to Plaintiffs' counsel for review and comment. (Again, any documents coded as "not relevant" will be provided subject to the Confidentiality Stipulation and any clawback agreement.) Any documents marked as irrelevant shall be returned to counsel for Defendant MSL at the conclusion of the iterative training phase, unless the relevancy of any documents are disputed, in which case they may be submitted to the Court for review.

7. Final Search and Production. Based on the seed set, as well as the initial and iterative reviews, the Axcelerate software will again review the entire data set to identify other potentially relevant and non-privileged documents. Of the results, all relevant and non-privileged documents will be produced to Plaintiffs.

8. Quality Control by Random Sample of Irrelevant Documents. In addition, at the conclusion of this search protocol development process described above, and before the final search and production described in Paragraph 7 above, Defendant MSL will review a random sample of 16,555 documents contained in the remainder of the database that were excluded as irrelevant. The results of this review, both the documents coded as relevant and not relevant, but not privileged, will be provided to Plaintiffs' counsel for review. (Any documents initially coded as "not relevant" will be provided subject to the Confidentiality Stipulation and any clawback agreements entered in this matter will be returned to counsel for Defendant MSL within 60 days of their production.) The purpose for this review is to allow calculation of the approximate degree of recall and precision of the search and review process used. If Plaintiffs object to the proposed review based on the random sample quality control results, or any other valid

objection, they shall provide MSL with written notice thereof within fourteen days of the receipt of the random sample. The parties shall then meet and confer in good faith to resolve any difficulties, and failing that shall apply to the Court for relief. Defendant MSL shall not be required to proceed with the final search and review described in Paragraph 7 above unless and until objections raised by Plaintiffs have been adjudicated by the Court or resolved by written agreement of the parties.

F. Costs

1. Defendant MSL proposes to limit the review of the EMC SourceOne data resulting from the search methodology indicated above under section E. to 40,000 documents based on the costs incurred to date and the estimated future costs associated with the production of document from the EMC SourceOne archive.

2. Plaintiffs agree to bear all of the costs associated with its compliance with the terms of this protocol and with the receipt and review of ESI produced hereunder including the costs associated with its ESI experts at DOAR Litigation Consulting who will be involved with Plaintiffs in all aspects of this ESI protocol. Plaintiffs propose that Defendant MSL bear all of the costs associated with its obligations under the terms of this protocol and do not agree to limit the amount of information subject to the review and production of ESI by Defendant MSL.<sup>3</sup>

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<sup>3</sup> Plaintiffs take issue with Defendant MSL's proposal to limit the number of the EMC SourceOne documents subject to its review and production as a matter of principle. Furthermore, Plaintiffs will not agree to be adversely affected by Defendant MSL's unilateral decisions regarding the custodians selected, approach taken, the vendors selected and the search protocol and related costs associated with those decisions.

Plaintiffs are confident that the costs MSL claims it has incurred, "\$253,549 in vendor costs for the copying and exemplification of e-mail onto the Axcelerate search and review platform" and the hosting fees of \$17,000 per month are well in excess of what they should have been and what they would have been if Defendant MSL had sought Plaintiffs' involvement in the factors that lead to those costs. **Plaintiffs also strongly disagree with the estimated cost of \$5.00 per document set forth by Defendant MSL to conduct its review of documents and question, given the exorbitant costs of the entire process, why the proposed search methodology is being put forward as predictive coding which, at its core, is a cost-saving mechanism.**

G. Format of Production

1. TIFF/Native File Format Production. Documents will be produced as single-page TIFF images with corresponding multi-page text and necessary load files. The load files will include an image load file as well as a metadata (.DAT) file with the metadata fields identified on Exhibit D. Defendant MSL will produce spreadsheets (.xls files) and PowerPoint presentations (.ppt files) in native form as well as any documents that cannot be converted to TIFF format (e.g., audio or video files, such as mp3s, wavs, megs, etc.). In addition, for any redacted documents that are produced, the documents' metadata fields will be redacted where required. For the production of ESI from the sources listed at C.1.g through C.1.p and C.1.r through C.1.t, the parties will meet and confer to attempt to reach an agreement of the format of production.

2. Appearance. Subject to appropriate redaction, each document's electronic image will convey the same information and image as the original document. Documents that present imaging or formatting problems will be promptly identified and the parties will meet and confer in an attempt to resolve the problems.

3. Document Numbering. Each page of a produced document will 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. The Bates Number for each page of each document will be created so as to identify the producing party and the document number. In the case of materials redacted in accordance with applicable law or confidential materials contemplated in any Confidentiality Stipulation entered into by the

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Ralph Losey, National E-Discovery Counsel and a partner at Defendant MSL's law firm, Recommind, and Judge Peck all acknowledge that the reduction of cost is a key factor in the use of predictive coding over traditional manual review.

parties, a designation may be “burned” onto the document’s image at a location that does not obliterate or obscure any information from the source document.

4. Production Media. The producing party will produce documents on readily accessible, computer or electronic media as the parties may hereafter agree upon, including CD-ROM, DVD, external hard drive (with standard PC compatible interface), (the “Production Media”). Each piece of Production Media will be assigned a production number or other unique identifying label corresponding to the date of the production of documents on the Production Media (e.g., “Defendant MSL Production April 1, 2012”) as well as the sequence of the material in that production (e.g. “-001”, “-002”). For example, if the production comprises document images on three DVDs, the producing party may label each DVD in the following manner “Defendant MSL Production April 1, 2012”, “Defendant MSL Production April 1, 2012-002”, “Defendant MSL Production April 1, 2012-003.” Additional information that will be identified on the physical Production Media includes: (1) text referencing that it was produced in *da Silva Moore v. Publicis Groupe SA, et al.*; and (2) the Bates Number range of the materials contained on the Production Media. Further, any replacement Production Media will cross-reference the original Production Media and clearly identify that it is a replacement and cross-reference the Bates Number range that is being replaced.

5. Write Protection and Preservation. All computer media that is capable of write-protection should be write-protected before production.

6. Inadvertent Disclosures. The terms of the parties’ Clawback Agreement and Court Order shall apply to this protocol.

7. Duplicate Production Not Required. A party producing data in electronic form need not produce the same document in paper format.

**E. Timing.**

1. To the extent a timeframe is not specifically outlined herein, the parties will use their reasonable efforts to produce ESI in a timely manner consistent with the Court's discovery schedule.

2. The parties will produce ESI on a rolling basis.

**F. General Provisions.**

1. Any practice or procedure set forth herein may be varied by agreement of the parties, and first will be confirmed in writing, where such variance is deemed appropriate to facilitate the timely and economical exchange of electronic data.

2. Should any party subsequently determine it cannot in good faith proceed as required by this protocol, the parties will meet and confer to resolve any dispute before seeking Court intervention.

3. This protocol may be executed in counterparts. Each counterpart, when so executed, will be deemed and original, and will constitute the same instrument.

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Melville, NY 11747  
Telephone: (631) 247-0404

Date: \_\_\_\_\_, 2011

Date: \_\_\_\_\_, 2011

**EXHIBIT A**



Search Term	Hits
"Anita"	70,376
"Binkowski"	43,890
"Bonus"	40,756
"Branam"	66,959
"Centralized Management Team"	3
"Compensation"	55,602
"Complaint"	8,672
"da Silva" OR "daSilva"	201,179
"Discrimination"	7,211
"Diversity"	38,315
"Ellena"	6,853
"Exception"	17,354
"Fite"	290,518
"Friedman"	34,304
"Healthcare"	242,054
"Heather" /2 "Pierce"	36,317
"Hiring Freeze"	694
"Jud"	70,352
"Kate" /2 "Wilkinson"	93,107
"Kelly" /2 "Denker"	328
"Krista"	38,346
"Laurie" /2 "Mayers"	137,706
"Lilien"	299,955
"Lund"	353,246
"Manning"	170,064
"Mark" /2 "Hass"	26,195
"MaryEllen" OR "Mary Ellen"	160,491
"Masini"	242,991
"Maternity Leave"	13,210
"Mission Critical"	4,399
"Monique"	210,734
"North American Leadership"	520
"Organization Chart" OR "Org Chart"	6,618
"O'Donohue" OR "Odonohue" OR "O Donohue"	156,070
"Performance Evaluation"	2,140
"PMP"	4,987
"Pregnancy"	10,659

"Promotion"	73,925
"Raise"	60,272
"Regional Leadership Team"	71
"Relocation"	9,113
"Reorganization"	5,816
"Rita"	252,314
"Salary Freeze"	895
"Tara"	360,352
"Termination"	18,204
"Training"	165,208
"Transfer"	39,252
"Vickle"	292,868
"Webster"	59,925
"Wendy"	380,940
"Work/Life Balance" OR "Work-Life Balance" OR "Work Life Balance"	2,671
(Bill OR Will OR William) /2 "Orr"	36,108
(Dave OR David) /2 "Chamberlain"	846
(Dave OR David) /2 Binkowski	42,978
(Don OR Donald) /2 "Hannaford"	20,046
(Ed OR Edward OR Eduard) /2 Cafasso	40,023
(Jim OR James) /2 "Tsokanos"	247,162
(Joe OR Joseph) /2 "Carberry"	28,510
(Mike OR Michael) /2 "Manning"	7,179
(Mike OR Michael) /2 "Morsman"	11,445
(Mike OR Michael) /2 Sullivan	12,492
(Steve* OR Steph*) /2 Chipman	3,525
Alicia /2 Dorset	26,661
Jeanine /2 ("O'Kane" OR Okane OR "O Kane")	166,224
Joel /2 "Curran"	50,956
Karl* /2 Trlmbie	52,753
Kath* /2 "Wilkinson"	2,053
Keith /2 Hughes	5,040
Kelly /2 McKenna	26,354
Michelle /2 Parisi	158
Nancy /2 "Brennan"	236,288
Nancy /2 Glick	14,735
Neil /2 "Dhillon"	43,555
Pete* /2 "Harris"	62,388
Pete* /2 Miller	229,255
Scott /2 Beaudoin	24,075
Stu* /2 "Wilson"	12,556

**EXHIBIT B**

**[To be provided by Defendant MSL]**

**EXHIBIT C**

**Plaintiffs' Updated Preliminary List of Search Terms**

(approve OR approved OR approval OR approving OR reject OR rejected OR rejection OR rejecting) w/10 (policy OR policies OR tsokanos OR jim OR miller OR peter OR shapiro OR maury OR dhillon OR neil OR curran OR joel OR carberry OR wilson OR renee OR fite OR vicki OR baskin OR rob OR HR OR levy OR maurice OR fleurot OR olivier OR etienne OR "jean-michel" OR emmerich OR mathias OR paris OR publicis OR corporate OR headquarters OR "new york" OR cafasso OR gross OR bryant OR lillien OR lillien OR masini OR morgan OR valerie OR cofone OR tony OR anthony)

(assign OR assigning OR assignment OR assigned) w/10 (policy OR policies OR except OR exception OR excepted OR fair OR fairness OR fairly OR unfair OR unfairness OR unfairly OR less OR more OR low OR high OR lot OR lots OR adjust OR adjusted OR adjusting OR adjustment OR increase OR increases OR increased OR increasing OR allocate OR allocation OR allocated OR allocating OR equity OR equitable OR equal OR equality OR freeze OR freezes OR froze OR frozen OR freezing OR decrease OR decreases OR decreased OR decreasing OR reduce OR reduced OR reduction OR reduces OR reducing OR advance OR advancement OR advanced OR advances OR advancing OR bias OR biased OR biases OR merit OR merits OR meritorious OR scale OR scales OR scaled OR raise OR raised OR raising OR raises OR nominate OR nomination OR nominates OR nominated OR nominating OR terminate OR terminates OR termination OR terminated OR terminating OR transfer OR transfers OR transferred OR transferring OR app OR apply OR applied OR applies OR application OR applications OR job OR jobs OR position OR positions OR title OR titles OR work OR working OR career OR careers)

(assign OR assigning OR assignment OR assigned) w/10 (hall OR hirson OR memahon OR pierce OR mand OR rubi OR friedman OR mckenna OR meadows OR green OR hubbard OR maclaughlin OR andrzejewski OR johnson OR wellikoff OR wolter OR leish OR pingree OR carlton OR ditthenhafer OR lorillo OR moore OR trucco OR lucarelli OR babcock OR arens OR ward OR heapes OR rogers OR davis OR severenko OR surchin OR kronish OR rothchild OR hazard OR tornatore OR bowersox OR billups OR davidson OR "van lent" OR goonan OR dejohn OR previdi OR "van horne" OR knox OR hugley OR glasgow OR dacosta OR "clark assouad" OR under OR mcintyre OR heard OR "del bove" OR renard OR baskin OR beaudoin OR binkowski OR branam OR brennan OR bryant OR carberry OR chamberlin OR curran OR da silva OR denker OR dhillon OR farnham OR fite OR fleurot OR freund OR gross OR hass OR hannaforde OR harris OR hughes OR kolhagen OR lee OR lillen OR lillien OR lund OR manning OR masini OR mayers OR miller OR morsman OR o'donohue OR odonohue OR orr OR perlman OR shapiro OR tsokanos OR wilkinson OR wilson OR baker OR burgess OR caravetta OR carmer OR donaldson OR dorsey OR egler OR falcetti OR hausler OR marinelli OR mclean OR mclean OR morgan OR nesselrodt OR okane OR o'kane OR rosen OR showalter OR sullivan OR trimble OR vickery OR wadia)

(award OR awards OR awarded OR awarding) w/10 (performance OR merit OR merits OR bonus OR bonuses)

(baby OR babies) w/10 (leave OR work OR working OR worklife OR "work-life" OR "work life" OR balance)

(balance OR balanced OR balancing) w/10 (career OR job OR work OR life OR worklife OR "work-life" OR hour OR hours OR schedule OR reduced OR family)

billable OR billability

bitch OR bitches OR bitchy

(bless OR blessed OR blessing OR blessings) w/10 (tsokanos OR jim OR corp OR corporate OR paris OR headquarters OR hq OR publicis)

(bonus OR bonuses) w/10 (policy OR policies OR OR contract OR contractual OR incentive OR "local office" OR performance OR discretionary OR except OR exception OR excepted OR fair OR fairness OR fairly OR unfair OR unfairness OR unfairly OR less OR more OR low OR high OR lot OR lots OR adjust

OR adjusted OR adjusting OR adjustment OR increase OR increases OR increased OR increasing OR allocate OR allocation OR allocated OR allocating OR equity OR equitable OR equal OR equality OR freeze OR freezes OR froze OR frozen OR freezing OR reinstate OR reinstated OR decrease OR decreases OR decreased OR decreasing OR reduce OR reduced OR reduction OR reduces OR reducing OR advance OR advancement OR advanced OR advances OR advancing OR bias OR biased OR biases OR merit OR merits OR meritorious OR scale OR scales OR scaled OR raise OR raised OR raising OR raises)

(bonus OR bonuses) w/10 (hall OR hirson OR mcMahon OR pierce OR mand OR rubi OR friedman OR mckenna OR meadows OR green OR hubbard OR maclaughlin OR andrzejewski OR johnson OR wellikoff OR wolter OR leish OR pingree OR carlton OR dittenhafer OR lorillo OR moore OR trucco OR lucarelli OR babcock OR arens OR ward OR heapes OR rogers OR davis OR severenko OR surchin OR kronish OR rothchild OR hazard OR tornatore OR bowersox OR billups OR davidson OR "van lent" OR goonan OR dejohn OR previdi OR "van horne" OR knox OR hugley OR glasgow OR dacosta OR "clark assouad" OR under OR mcintyre OR heard OR "del bove" OR renard OR baskin OR beaudoin OR binkowski OR branam OR brennan OR bryant OR carberry OR chamberlin OR curran OR da silva OR denker OR dhillon OR farnham OR fite OR fleurot OR freund OR gross OR hass OR hannafor OR harris OR hughes OR kolhagen OR lee OR lillen OR lillien OR lund OR manning OR masini OR mayers OR miller OR morsman OR o'donohue OR odonohue OR orr OR perlman OR shapiro OR tsokanos OR wilkinson OR wilson OR baker OR burgess OR caravetta OR carmer OR donaldson OR dorsey OR egler OR falcetti OR hausler OR marinelli OR mclean OR mclean OR morgan OR nesselrodt OR okane OR o'kane OR rosen OR showalter OR sullivan OR trimble OR vickery OR wadia)

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(career OR careers) w/10 (policy OR policies OR except OR exception OR excepted OR fair OR fairness OR fairly OR unfair OR unfairness OR unfairly OR less OR more OR low OR high OR lot OR lots OR adjust OR adjusted OR adjusting OR adjustment OR increase OR increases OR increased OR increasing OR allocate OR allocation OR allocated OR allocating OR equity OR equitable OR equal OR equality OR freeze OR freezes OR froze OR frozen OR freezing OR decrease OR decreases OR decreased OR decreasing OR reduce OR reduced OR reduction OR reduces OR reducing OR advance OR advancement OR advanced OR advances OR advancing OR bias OR biased OR biases OR merit OR merits OR meritorious OR scale OR scales OR scaled OR raise OR raised OR raising OR raises OR nominate OR nomination OR nominates OR nominated OR nominating OR terminate OR terminates OR termination OR terminated OR terminating OR transfer OR transfers OR transferred OR transferring)

(career OR careers) w/10 (hall OR hirson OR mcMahon OR pierce OR mand OR rubi OR friedman OR mckenna OR meadows OR green OR hubbard OR maclaughlin OR andrzejewski OR johnson OR wellikoff OR wolter OR leish OR pingree OR carlton OR dittenhafer OR lorillo OR moore OR trucco OR lucarelli OR babcock OR arens OR ward OR heapes OR rogers OR davis OR severenko OR surchin OR kronish OR rothchild OR hazard OR tornatore OR bowersox OR billups OR davidson OR "van lent" OR goonan OR dejohn OR previdi OR "van horne" OR knox OR hugley OR glasgow OR dacosta OR "clark assouad" OR under OR mcintyre OR heard OR "del bove" OR renard OR baskin OR beaudoin OR binkowski OR branam OR brennan OR bryant OR carberry OR chamberlin OR curran OR da silva OR denker OR dhillon OR farnham OR fite OR fleurot OR freund OR gross OR hass OR hannafor OR harris OR hughes OR kolhagen OR lee OR lillen OR lillien OR lund OR manning OR masini OR mayers OR miller OR morsman OR o'donohue OR odonohue OR orr OR perlman OR shapiro OR tsokanos OR wilkinson OR wilson OR baker OR burgess OR caravetta OR carmer OR donaldson OR dorsey OR egler OR falcetti OR hausler OR marinelli OR mclean OR mclean OR morgan OR nesselrodt OR okane OR o'kane OR rosen OR showalter OR sullivan OR trimble OR vickery OR wadia)

(central OR centralize OR centralized OR centralizing OR centrally) w/10 (management OR manager OR managers OR manage OR managed OR decision OR decisions OR decision-making OR "decision making" OR decision-maker OR "decision maker" OR leader OR leaders OR leadership OR lead OR team OR structure OR executive OR executives)

(chart or charts) w/10 (org OR organization)

(child OR children OR kid OR kids OR daughter OR daughters OR son OR sons OR baby OR babies OR family OR families) w/15 (pay OR paid OR raise OR raised OR raising OR raises OR promote OR promoted OR promoting OR promotion OR promotions OR job OR jobs OR manage OR manager OR MD OR management OR managed OR managing OR salary OR salaries OR bonus OR bonuses OR position OR positions OR career OR careers OR title OR titles OR support OR supported OR supporting OR comp OR comp OR compensate OR compensation OR compensating OR compensated OR because)

"class action"

(commission OR commissions) w/10 (policy OR policies OR except OR exception OR excepted OR fair OR fairness OR fairly OR unfair OR unfairness OR unfairly OR less OR more OR low OR high OR lot OR lots OR adjust OR adjusted OR adjusting OR adjustment OR increase OR increases OR increased OR increasing OR allocate OR allocation OR allocated OR allocating OR equity OR equitable OR equal OR equality OR freeze OR freezes OR froze OR frozen OR freezing OR decrease OR decreases OR decreased OR decreasing OR reduce OR reduced OR reduction OR reduces OR reducing OR advance OR advancement OR advanced OR advances OR advancing OR bias OR biased OR biases OR merit OR merits OR meritorious OR scale OR scales OR scaled OR raise OR raised OR raising OR raises)

(commission OR commissions) w/10 (hall OR hirson OR mcMahon OR pierce OR mand OR rubi OR friedman OR mckenna OR meadows OR green OR hubbard OR maclaughlin OR andrzejewski OR johnson OR wellikoff OR wolter OR leish OR pingree OR carlton OR dittenhafer OR lorillo OR moore OR trucco OR lucarelli OR babcock OR arens OR ward OR heapes OR rogers OR davis OR severenko OR surchin OR kronish OR rothchild OR hazard OR tornatore OR bowersox OR billups OR davidson OR "van lent" OR goonan OR deJohn OR previdi OR "van horne" OR knox OR hugley OR glasgow OR dacosta OR "clark assouad" OR under OR mcintyre OR heard OR "del bove" OR renard OR baskin OR beaudoin OR blinkowski OR branam OR brennan OR bryant OR carberry OR chamberlin OR curran OR da silva OR denker OR dhillon OR farnham OR fite OR fleurot OR freund OR gross OR hass OR hannafor OR harris OR hughes OR kolhagen OR lee OR lillen OR lillian OR lund OR manning OR masini OR mayers OR miller OR morsman OR o'donohue OR odonohue OR orr OR perlman OR shapiro OR tsokanos OR wilkinson OR wilson OR baker OR burgess OR caravetta OR carmer OR donaldson OR dorsey OR eglar OR falcetti OR hausler OR marinelli OR mclean OR mcClean OR morgan OR nesselrodt OR okane OR o'kane OR rosen OR showalter OR sullivan OR trimble OR vickery OR wadla)

(comp OR compensation OR compensated OR compensating) w/10 (policy OR policies OR OR benchmark OR benchmarks OR except OR exception OR excepted OR fair OR fairness OR fairly OR unfair OR unfairness OR unfairly OR less OR more OR low OR high OR lot OR lots OR adjust OR adjusted OR adjusting OR adjustment OR increase OR increases OR increased OR increasing OR allocate OR allocation OR allocated OR allocating OR equity OR equitable OR equal OR equality OR freeze OR freezes OR froze OR frozen OR freezing OR decrease OR decreases OR decreased OR decreasing OR reduce OR reduced OR reduction OR reduces OR reducing OR advance OR advancement OR advanced OR advances OR advancing OR bias OR biased OR biases OR merit OR merits OR meritorious OR scale OR scales OR scaled OR raise OR raised OR raising OR raises)

(comp OR compensation OR compensated OR compensating) w/10 (hall OR hirson OR mcMahon OR pierce OR mand OR rubi OR friedman OR mckenna OR meadows OR green OR hubbard OR maclaughlin OR andrzejewski OR johnson OR wellikoff OR wolter OR leish OR pingree OR carlton OR dittenhafer OR lorillo OR moore OR trucco OR lucarelli OR babcock OR arens OR ward OR heapes OR rogers OR davis OR severenko OR surchin OR kronish OR rothchild OR hazard OR tornatore OR bowersox OR billups OR davidson OR "van lent" OR goonan OR deJohn OR previdi OR "van horne" OR knox OR hugley OR glasgow OR dacosta OR "clark assouad" OR under OR mcintyre OR heard OR "del bove" OR renard OR baskin OR beaudoin OR blinkowski OR branam OR brennan OR bryant OR carberry OR chamberlin OR curran OR da silva OR denker OR dhillon OR farnham OR fite OR fleurot OR freund OR gross OR hass OR hannafor OR harris OR hughes OR kolhagen OR lee OR lillen OR lillian OR lund OR manning OR masini OR mayers OR miller OR morsman OR o'donohue OR odonohue OR orr OR

perlman OR shapiro OR tsokanos OR wilkinson OR wilson OR baker OR burgess OR caravetta OR carmer OR donaldson OR dorsey OR egler OR falchetti OR hausler OR marinelli OR mclean OR mcClean OR morgan OR nesselrodt OR okane OR o'kane OR rosen OR showalter OR sullivan OR trimble OR vickery OR wadia)

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(condition OR conditions) w/10 (hall OR hirson OR mcMahon OR pierce OR mand OR rubi OR friedman OR mckenna OR meadows OR green OR hubbard OR maclaughlin OR andrzejewski OR johnson OR wellikoff OR walter OR leish OR pingree OR carlton OR dittenhafer OR lorillo OR moore OR trucco OR lucarelli OR babcock OR arens OR ward OR heapes OR rogers OR davis OR severenko OR surchin OR kronish OR rothchild OR hazard OR tornatore OR bowsox OR billups OR davidson OR "van lent" OR goonan OR deJohn OR previdi OR "van horne" OR knox OR hugley OR glasgow OR dacosta OR "clark assouad" OR under OR mcintyre OR heard OR "del bove" OR renard OR baskin OR beaudoin OR binkowski OR branam OR brennan OR bryant OR carberry OR chamberlin OR curran OR da silva OR denker OR dhillon OR farnham OR fite OR fleurot OR freund OR gross OR hass OR hannafor OR harris OR hughes OR kolhagen OR lee OR lillien OR lillien OR lund OR manning OR masini OR mayers OR miller OR morsman OR o'donohue OR odonohue OR orr OR perlman OR shapiro OR tsokanos OR wilkinson OR wilson OR baker OR burgess OR caravetta OR carmer OR donaldson OR dorsey OR egler OR falchetti OR hausler OR marinelli OR mclean OR mcClean OR morgan OR nesselrodt OR okane OR o'kane OR rosen OR showalter OR sullivan OR trimble OR vickery OR wadia)

"conflict shop"

(corporate OR "social media" OR digital OR issues OR "public affairs" OR financial) AND ("new vision" OR reorganization OR reorg OR re-org OR restructure OR restructuring OR structure)

crisis AND (carol OR perlman OR david OR dave OR chamberlin OR tom OR thomas OR vickery OR "new vision" OR reorganization OR reorg OR re-org OR restructure OR restructuring OR structure)

critical w/5 (hire OR hiring OR hired OR hires)

(demote OR demoted OR demotes OR demoting OR demotion OR demotions) w/10 (policy OR policies OR except OR exception OR excepted OR fair OR fairness OR fairly OR unfair OR unfairness OR unfairly OR less OR more OR low OR high OR lot OR lots OR adjust OR adjusted OR adjusting OR adjustment OR increase OR increases OR increased OR increasing OR allocate OR allocation OR allocated OR allocating OR equity OR equitable OR equal OR equality OR freeze OR freezes OR froze OR frozen OR freezing OR decrease OR decreases OR decreased OR decreasing OR reduce OR reduced OR reduction OR reduces OR reducing OR advance OR advancement OR advanced OR advances OR advancing OR bias OR biased OR biases OR merit OR merits OR meritorious OR scale OR scales OR scaled OR raise OR raised OR raising OR raises OR nominate OR nomination OR nominates OR nominated OR nominating OR terminate OR terminates OR termination OR terminated OR terminating OR transfer OR transfers OR transferred OR transferring)

(demote OR demoted OR demotes OR demoting OR demotion OR demotions) w/10 (hall OR hirson OR mcMahon OR pierce OR mand OR rubi OR friedman OR mckenna OR meadows OR green OR hubbard OR maclaughlin OR andrzejewski OR johnson OR wellikoff OR walter OR leish OR pingree OR carlton OR dittenhafer OR lorillo OR moore OR trucco OR lucarelli OR babcock OR arens OR ward OR heapes OR rogers OR davis OR severenko OR surchin OR kronish OR rothchild OR hazard OR tornatore OR bowsox OR billups OR davidson OR "van lent" OR goonan OR deJohn OR previdi OR "van horne" OR knox OR hugley OR glasgow OR dacosta OR "clark assouad" OR under OR mcintyre OR heard OR "del bove" OR renard OR baskin OR beaudoin OR binkowski OR branam OR brennan OR bryant OR carberry OR chamberlin OR curran OR da silva OR denker OR dhillon OR farnham OR fite OR fleurot OR freund OR gross OR hass OR hannafor OR harris OR hughes OR kolhagen OR lee OR lillien OR lillien OR lund OR manning OR masini OR mayers OR miller OR morsman OR o'donohue OR odonohue OR orr OR



perlman OR shapiro OR tsokanos OR wilkinson OR wilson OR baker OR burgess OR caravetta OR carmer OR donaldson OR dorsey OR egler OR falcetti OR hausler OR marinelli OR mclean OR mclean OR morgan OR nesselrodt OR okane OR o'kane OR rosen OR showalter OR sullivan OR trimble OR vickery OR wadia)

(dick OR dicks) NOT ("rick" or "Richard" or "rich")

discriminate OR discriminated OR discriminates OR discrimination OR discriminator OR discriminators

(diversity OR diversification OR diversify) w/10 (gender OR sex OR women OR woman OR parent OR parents OR mother OR mothers OR mom OR moms OR initiative OR initiatives OR effort OR efforts OR policy OR policies OR practice OR practices)

(earn OR earned OR earnings OR earning OR earns) w/10 (except OR exception OR excepted OR fair OR fairness OR fairly OR unfair OR unfairness OR unfairly OR less OR more OR low OR high OR lot OR lots OR adjust OR adjusted OR adjusting OR adjustment OR increase OR increases OR increased OR increasing OR allocate OR allocation OR allocated OR allocating OR equity OR equitable OR equal OR equality OR freeze OR freezes OR froze OR frozen OR freezing OR decrease OR decreases OR decreased OR decreasing OR reduce OR reduced OR reduction OR reduces OR reducing OR advance OR advancement OR advanced OR advances OR advancing OR bias OR biased OR biases OR merit OR merits OR meritorious OR scale OR scales OR scaled OR raise OR raised OR raising OR raises)

(earn OR earned OR earnings OR earning OR earns) w/10 (hall OR hirson OR mcMahon OR pierce OR mand OR rubi OR friedman OR mckenna OR meadows OR green OR hubbard OR maclaughlin OR andrzejewski OR johnson OR wellikoff OR wolter OR leish OR pingree OR carlton OR dittenhafer OR lorillo OR moore OR trucco OR lucarelli OR babcock OR arens OR ward OR heapes OR rogers OR davis OR severenko OR surchin OR kronish OR rothchild OR hazard OR tornatore OR bowersox OR billups OR davidson OR "van lent" OR goonan OR dejohn OR previdi OR "van horne" OR knox OR hugley OR glasgow OR dacosta OR "clark assouad" OR under OR mcintyre OR heard OR "del bove" OR renard OR baskin OR beaudoin OR blinkowski OR branam OR brennan OR bryant OR carberry OR chamberlin OR curran OR da silva OR denker OR dhillon OR farnham OR fite OR fleurot OR freund OR gross OR hass OR hannafor OR harris OR hughes OR kolhagen OR lee OR lillien OR lillien OR lund OR manning OR masini OR mayers OR miller OR morsman OR o'donohue OR odonohue OR orr OR perlman OR shapiro OR tsokanos OR wilkinson OR wilson OR baker OR burgess OR caravetta OR carmer OR donaldson OR dorsey OR egler OR falcetti OR hausler OR marinelli OR mclean OR mclean OR morgan OR nesselrodt OR okane OR o'kane OR rosen OR showalter OR sullivan OR trimble OR vickery OR wadia)

eeo

eeoc

(elimination OR eliminate OR eliminated OR eliminates OR eliminating) w/10 (hall OR hirson OR mcMahon OR pierce OR mand OR rubi OR friedman OR mckenna OR meadows OR green OR hubbard OR maclaughlin OR andrzejewski OR johnson OR wellikoff OR wolter OR leish OR pingree OR carlton OR dittenhafer OR lorillo OR moore OR trucco OR lucarelli OR babcock OR arens OR ward OR heapes OR rogers OR davis OR severenko OR surchin OR kronish OR rothchild OR hazard OR tornatore OR bowersox OR billups OR davidson OR "van lent" OR goonan OR dejohn OR previdi OR "van horne" OR knox OR hugley OR glasgow OR dacosta OR "clark assouad" OR under OR mcintyre OR heard OR "del bove" OR renard OR baskin OR beaudoin OR blinkowski OR branam OR brennan OR bryant OR carberry OR chamberlin OR curran OR da silva OR denker OR dhillon OR farnham OR fite OR fleurot OR freund OR gross OR hass OR hannafor OR harris OR hughes OR kolhagen OR lee OR lillien OR lillien OR lund OR manning OR masini OR mayers OR miller OR morsman OR o'donohue OR odonohue OR orr OR perlman OR shapiro OR tsokanos OR wilkinson OR wilson OR baker OR burgess OR caravetta OR carmer OR donaldson OR dorsey OR egler OR falcetti OR hausler OR marinelli OR mclean OR mclean OR morgan OR nesselrodt OR okane OR o'kane OR rosen OR showalter OR sullivan OR trimble OR vickery OR wadia)

"equal employment"

(eval OR evaluate OR evaluation OR evaluated OR evaluates OR evaluating) w/ 10 (except OR exception OR excepted OR fair OR fairness OR fairly OR unfair OR unfairness OR unfairly OR less OR more OR low OR high OR lot OR lots OR adjust OR adjusted OR adjusting OR adjustment OR increase OR increases OR increased OR increasing OR allocate OR allocation OR allocated OR allocating OR equity OR equitable OR equal OR equality OR freeze OR freezes OR froze OR frozen OR freezing OR decrease OR decreases OR decreased OR decreasing OR reduce OR reduced OR reduction OR reduces OR reducing OR advance OR advancement OR advanced OR advances OR advancing OR bias OR biased OR biases OR merit OR merits OR meritorious OR scale OR scales OR scaled OR raise OR raised OR raising OR raises OR nominate OR nomination OR nominates OR nominated OR nominating OR terminate OR terminates OR termination OR terminated OR terminating OR transfer OR transfers OR transferred OR transferring OR promote OR promoted OR promoting OR promotes OR promotion OR promotions OR demote OR demoted OR demoting OR demotes OR demotion OR demotions)

(eval OR evaluate OR evaluation OR evaluated OR evaluates OR evaluating) w/10 (hall OR hirson OR mcmahon OR pierce OR mand OR rubi OR friedman OR mckenna OR meadows OR green OR hubbard OR maclaughlin OR andrzejewski OR johnson OR wellkoff OR wolter OR leish OR pingree OR carlton OR dittenhafer OR lorillo OR moore OR trucco OR lucarelli OR babcock OR arens OR ward OR heapes OR rogers OR davis OR severenko OR surchin OR kronish OR rothchild OR hazard OR tornatore OR bowersox OR billups OR davidson OR "van lent" OR goonan OR dejohn OR previdi OR "van horne" OR knox OR hugley OR glasgow OR dacosta OR "clark assouad" OR under OR mcintyre OR heard OR "del bove" OR renard OR baskin OR beaudoin OR blinkowski OR branam OR brennan OR bryant OR carberry OR chamberlin OR curran OR da silva OR denker OR dhillon OR farnham OR file OR fleuret OR freund OR gross OR hass OR hannafor OR harris OR hughes OR kolhagen OR lee OR lillien OR lillien OR lund OR manning OR masini OR mayers OR miller OR morsman OR o'donohue OR odonohue OR orr OR periman OR shapiro OR tsokanos OR wilkinson OR wilson OR baker OR burgess OR caravetta OR carner OR donaldson OR dorsey OR eglar OR falcetti OR hausler OR marlnelli OR mclean OR mclean OR morgan OR nesselrodt OR okane OR o'kane OR rosen OR showalter OR sullivan OR trimble OR vickery OR wadla)

exception

farrell

(flex OR flexible OR flexibility OR flex-time OR "flex time" OR alternate OR alternative) w/5 (time OR schedule OR schedules OR hour OR hours OR work OR working OR worked OR works OR job OR jobs)

"flight risk" OR "flight-risk"

fmla OR fmi

(forecast OR forecasts OR forecasting OR forecasted) w/25 (office OR offices OR practice OR practices OR region OR regions OR regional OR west OR northeast OR midatlantic OR "mid-atlantic" OR midwest OR "mid-west" OR south OR "north america" OR Americas OR restructure OR restructuring OR restructured OR restructures OR reorg OR reorganization OR re-org OR re-organization OR "new vision" OR brand OR brands OR branded OR branding OR network OR team OR teams OR area OR areas OR lead OR leads OR leader OR leaders OR leaderships OR policy OR policies OR except OR exception OR excepted OR adjust OR adjusted OR adjusting OR adjustment OR increase OR increases OR increased OR increasing OR allocate OR allocation OR allocated OR allocating OR equity OR equitable OR equal OR equality OR freeze OR freezes OR froze OR frozen OR freezing OR decrease OR decreases OR decreased OR decreasing OR reduce OR reduced OR reduction OR reduces OR reducing OR advance OR advancement OR advanced OR advances OR advancing OR bias OR biased OR biases OR merit OR merits OR meritorious OR scale OR scales OR scaled OR raise OR raised OR raising OR raises OR nominate OR nomination OR nominates OR nominated OR nominating OR terminate OR terminates OR

termination OR terminated OR terminating OR transfer OR transfers OR transferred OR transferring OR headcount OR "head-count" OR layoff OR layoff\* OR "lay-off" OR lay-offs OR leave OR plan OR plans OR planning OR planned OR audit OR audits OR auditing OR audited OR budget OR budgets OR budgeting OR budgeted OR rationale OR staff OR staffing OR staffed OR staffs OR personnel OR management OR manager OR managers OR manage OR managed OR decision OR decisions OR decision-making OR "decision making" OR decision-maker OR "decision maker" OR hire OR hires OR hiring OR hired OR retain OR retains OR retained OR retaining OR retention OR promote OR promoting OR promoted OR promotes OR promotion OR promotions OR compensation OR comp OR salary OR salaries OR pay OR paid OR pays OR bonus OR bonuses OR cost OR costs OR severance OR eliminate OR eliminated OR elimination OR eliminating OR elimination)

freeze OR freezes OR freezing OR froze OR frozen

gender

"glass ceiling"

harass OR harassing OR harassment OR harassed OR harasses

headcount OR "head-count" OR (head w/3 count)

"hfm"

(hire OR hires OR hired OR hiring) w/10 (except OR exception OR excepted OR fair OR fairness OR fairly OR unfair OR unfairness OR unfairly OR less OR more OR low OR high OR lot OR lots OR adjust OR adjusted OR adjusting OR adjustment OR increase OR increases OR increased OR increasing OR allocate OR allocation OR allocated OR allocating OR equity OR equitable OR equal OR equality OR freeze OR freezes OR froze OR frozen OR freezing OR decrease OR decreases OR decreased OR decreasing OR reduce OR reduced OR reduction OR reduces OR reducing OR advance OR advancement OR advanced OR advances OR advancing OR bias OR biased OR biases OR merit OR merits OR meritorious OR scale OR scales OR scaled OR raise OR raised OR raising OR raises OR nominate OR nomination OR nominates OR nominated OR nominating OR terminate OR terminates OR termination OR terminated OR terminating OR transfer OR transfers OR transferred OR transferring OR app OR apply OR applied OR applies OR application OR applications)

(hire OR hires OR hired OR hiring) w/10 (hall OR hirson OR mcMahon OR pierce OR mand OR rubi OR friedman OR mckenna OR meadows OR green OR hubbard OR maclaughlin OR andrzejewski OR johnson OR wellikoff OR wolter OR leish OR pingree OR carlton OR dittenhafer OR lorillo OR moore OR trucco OR lucarelli OR babcock OR arens OR ward OR heapes OR rogers OR davis OR severenko OR surchin OR kronish OR rothchild OR hazard OR tornatore OR bowsox OR billups OR davidson OR "van lent" OR goonan OR deJohn OR previdi OR "van horne" OR knox OR hugley OR glasgow OR dacosta OR "clark assouad" OR under OR mcintyre OR heard OR "del bove" OR renard OR baskin OR beaudoin OR binkowski OR branam OR brennan OR bryant OR carberry OR chamberlin OR curran OR da silva OR denker OR dhillon OR farnham OR fite OR fleurot OR freund OR gross OR hass OR hannaforde OR harris OR hughes OR kolhagen OR lee OR lillien OR lillien OR lund OR manning OR masini OR mayers OR miller OR morsman OR o'donohue OR odonohue OR orr OR periman OR shapiro OR tsokanos OR wilkinson OR wilson OR baker OR burgess OR caravetta OR carmer OR donaldson OR dorsey OR eglar OR falcetti OR hausler OR marneill OR mclean OR mclean OR morgan OR nesselrodt OR okane OR o'kane OR rosen OR showalter OR sullivan OR trimble OR vickery OR wadla)

(hr OR "human resources") w/15 (culture OR complain OR complaint OR complaints OR complained OR complains OR complaining OR respond OR response OR responded OR responds OR responding OR investigate OR investigation OR investigating OR investigates OR investigated OR bias OR biases OR biased OR unfair OR unfairly OR unfairness OR fair OR fairly OR fairness OR equity OR equitable OR equal OR treat OR treating OR treated OR treatment OR treats OR pregnant OR pregnancy OR leave)

HRIS

(incentive OR incentives) w/10 (policy OR policies OR except OR exception OR excepted OR fair OR fairness OR fairly OR unfair OR unfairness OR unfairly OR less OR more OR low OR high OR lot OR lots OR adjust OR adjusted OR adjusting OR adjustment OR increase OR increases OR increased OR increasing OR allocate OR allocation OR allocated OR allocating OR equity OR equitable OR equal OR equality OR freeze OR freezes OR froze OR frozen OR freezing OR decrease OR decreases OR decreased OR decreasing OR reduce OR reduced OR reduction OR reduces OR reducing OR advance OR advancement OR advanced OR advances OR advancing OR bias OR biased OR biases OR merit OR merits OR meritorious OR scale OR scales OR scaled OR raise OR raised OR raising OR raises)

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(investigate OR investigation OR investigated OR investigating OR investigates) w/25 (complain OR complaint OR complaints OR complained OR complaining OR complains)

"Jean-michel" OR etienne

(job OR jobs) w/10 (policy OR policies OR except OR exception OR excepted OR fair OR fairness OR fairly OR unfair OR unfairness OR unfairly OR less OR more OR low OR high OR lot OR lots OR adjust OR adjusted OR adjusting OR adjustment OR increase OR increases OR increased OR increasing OR allocate OR allocation OR allocated OR allocating OR equity OR equitable OR equal OR equality OR freeze OR freezes OR froze OR frozen OR freezing OR decrease OR decreases OR decreased OR decreasing OR reduce OR reduced OR reduction OR reduces OR reducing OR advance OR advancement OR advanced OR advances OR advancing OR bias OR biased OR biases OR merit OR merits OR meritorious OR scale OR scales OR scaled OR raise OR raised OR raising OR raises OR nominate OR nomination OR nominates OR nominated OR nominating OR terminate OR terminates OR termination OR terminated OR terminating OR transfer OR transfers OR transferred OR transferring)

(job OR jobs) w/10 (hall OR hirson OR mcMahon OR pierce OR mand OR rubi OR friedman OR mckenna OR meadows OR green OR hubbard OR maclaughlin OR andrzejewski OR johnson OR wellikoff OR wolter OR leish OR pingree OR carlton OR dittenhafer OR lorillo OR moore OR trucco OR lucarelli OR babcock OR arens OR ward OR heapes OR rogers OR davis OR severenko OR surchin OR kronish OR rothchild OR hazard OR tornatore OR bowsox OR billups OR davidson OR "van lent" OR goonan OR dejohn OR previdi OR "van horne" OR knox OR hugley OR glasgow OR dacosta OR "clark assouad" OR under OR mcintyre OR heard OR "del bove" OR renard OR baskin OR beaudoin OR binkowski OR branam OR brennan OR bryant OR carberry OR chamberlin OR curran OR da silva OR denker OR dhillon OR farnham OR fite OR fleurot OR freund OR gross OR hass OR hannaforD OR harris OR hughes OR kolhagen OR lee OR lillien OR lillien OR lund OR manning OR masini OR mayers OR miller OR morsman OR o'donohue OR odonohue OR orr OR perlman OR shapiro OR tsokanos OR wilkinson OR wilson OR baker OR burgess OR caravetta OR carmer OR donaldson OR dorsey OR eglar OR falcetti OR hausler OR marinelli OR mclean OR mcClean OR morgan OR nesselrodt OR okane OR o'kane OR rosen OR showalter OR sullivan OR trimble OR vickery OR wadia)

lawsuit OR "law suit" OR law-suit

layoff OR layoffs OR "lay-off" OR "lay-offs" OR "lay off" OR "lay offs"

(leader OR leaders OR leadership OR lead OR leading OR leads) AND (team OR teams)

"on leave" OR "maternity leave" OR "paternity leave" OR "paid leave" OR "unpaid leave" OR ((take or took) w/5 leave) OR "parental leave" OR (pregnan\* w/5 leave)

leave w/10 (hall OR hirson OR mcMahon OR pierce OR mand OR rubi OR friedman OR mckenna OR meadows OR green OR hubbard OR maclaughlin OR andrzejewski OR johnson OR wellikoff OR wolter OR leish OR pingree OR carlton OR dittenhafer OR lorillo OR moore OR trucco OR lucarelli OR babcock OR arens OR ward OR heapes OR rogers OR davis OR severenko OR surchin OR kronish OR rothchild OR hazard OR tornatore OR bowersox OR billups OR davidson OR "van lent" OR goonan OR dejohn OR previdi OR "van horne" OR knox OR hugley OR glasgow OR dacosta OR "clark assouad" OR under OR mcintyre OR heard OR "del bove" OR renard OR baskin OR beaudoin OR blinkowski OR branam OR brennan OR bryant OR carberry OR chamberlin OR curran OR da silva OR denker OR dhllon OR farnham OR fite OR fleurot OR freund OR gross OR hass OR hannafor OR harris OR hughes OR kolhagen OR lee OR lillen OR lillien OR lund OR manning OR masini OR mayers OR miller OR morsman OR o'donohue OR odonohue OR orr OR perlman OR shapiro OR tsokanos OR wilkinson OR wilson OR baker OR burgess OR caravetta OR carmer OR donaldson OR dorsey OR egler OR falcetti OR hausler OR marinelli OR mclean OR mcclean OR morgan OR nesselrodt OR okane OR o'kane OR rosen OR showalter OR sullivan OR trimble OR vickery OR wadia)

LTIP

mathias OR emmerich

"mission critical"

"more money" or "less money"

"MS&L Corp- Restructure"

onboard OR "on-board"

(opportunity OR opportunities) w/10 (policy OR policies OR except OR exception OR excepted OR fair OR fairness OR fairly OR unfair OR unfairness OR unfairly OR less OR more OR low OR high OR lot OR lots OR adjust OR adjusted OR adjusting OR adjustment OR increase OR increases OR increased OR increasing OR allocate OR allocation OR allocated OR allocating OR equity OR equitable OR equal OR equality OR freeze OR freezes OR froze OR frozen OR freezing OR decrease OR decreases OR decreased OR decreasing OR reduce OR reduced OR reduction OR reduces OR reducing OR advance OR advancement OR advanced OR advances OR advancing OR bias OR biased OR biases OR merit OR merits OR meritorious OR scale OR scales OR scaled OR raise OR raised OR raising OR raises OR nominate OR nomination OR nominates OR nominated OR nominating OR terminate OR terminates OR termination OR terminated OR terminating OR transfer OR transfers OR transferred OR transferring)

(opportunity OR opportunities) w/10 (hall OR hirson OR mcMahon OR pierce OR mand OR rubi OR friedman OR mckenna OR meadows OR green OR hubbard OR maclaughlin OR andrzejewski OR johnson OR wellikoff OR wolter OR leish OR pingree OR carlton OR dittenhafer OR lorillo OR moore OR trucco OR lucarelli OR babcock OR arens OR ward OR heapes OR rogers OR davis OR severenko OR surchin OR kronish OR rothchild OR hazard OR tornatore OR bowersox OR billups OR davidson OR "van lent" OR goonan OR dejohn OR previdi OR "van horne" OR knox OR hugley OR glasgow OR dacosta OR "clark assouad" OR under OR mcintyre OR heard OR "del bove" OR renard OR baskin OR beaudoin OR blinkowski OR branam OR brennan OR bryant OR carberry OR chamberlin OR curran OR

da silva OR denker OR dhillon OR farnham OR fite OR fleurot OR freund OR gross OR hass OR hannafor OR harris OR hughes OR kolhagen OR lee OR lillen OR lillien OR lund OR manning OR masini OR mayers OR miller OR morsman OR o'donohue OR odonohue OR orr OR periman OR shapiro OR tsokanos OR wilkinson OR wilson OR baker OR burgess OR caravetta OR carmer OR donaldson OR dorsey OR eglar OR falcetti OR hausler OR marinelli OR mclean OR mclean OR morgan OR nesselrodt OR okane OR o'kane OR rosen OR showalter OR sullivan OR trimble OR vickery OR wadia)

(org OR organization) w/10 (new OR change OR changing OR changes OR changed)

"part time" OR "part-time"

(pay OR pays OR paying OR paid) w/10 (policy OR policies OR except OR exception OR excepted OR fair OR fairness OR fairly OR unfair OR unfairness OR unfairly OR less OR more OR low OR high OR lot OR lots OR adjust OR adjusted OR adjusting OR adjustment OR increase OR increases OR increased OR increasing OR allocate OR allocation OR allocated OR allocating OR equity OR equitable OR equal OR equality OR freeze OR freezes OR froze OR frozen OR freezing OR decrease OR decreases OR decreased OR decreasing OR reduce OR reduced OR reduction OR reduces OR reducing OR advance OR advancement OR advanced OR advances OR advancing OR bias OR biased OR biases OR merit OR merits OR meritorious OR scale OR scales OR scaled OR raise OR raised OR raising OR raises)

(pay OR pays OR paying OR paid) w/10 (hall OR hlson OR mcMahon OR pierce OR mand OR rubi OR friedman OR mckenna OR meadows OR green OR hubbard OR maclaughlin OR andrzejewski OR johnson OR wellikoff OR wolter OR leish OR pingree OR carlton OR dittenhafer OR lorillo OR moore OR trucco OR lucarelli OR babcock OR arens OR ward OR heapes OR rogers OR davis OR severenko OR surchin OR kronish OR rothchild OR hazard OR tornatore OR bowsox OR billups OR davidson OR "van lent" OR goonan OR deJohn OR previdi OR "van horne" OR knox OR hugley OR glasgow OR dacosta OR "clark assouad" OR under OR mcintyre OR heard OR "del bove" OR renard OR baskin OR beaudoin OR blinkowski OR branam OR brennan OR bryant OR carberry OR chamberlin OR curran OR da silva OR denker OR dhillon OR farnham OR fite OR fleurot OR freund OR gross OR hass OR hannafor OR harris OR hughes OR kolhagen OR lee OR lillen OR lillien OR lund OR manning OR masini OR mayers OR miller OR morsman OR o'donohue OR odonohue OR orr OR periman OR shapiro OR tsokanos OR wilkinson OR wilson OR baker OR burgess OR caravetta OR carmer OR donaldson OR dorsey OR eglar OR falcetti OR hausler OR marinelli OR mclean OR mclean OR morgan OR nesselrodt OR okane OR o'kane OR rosen OR showalter OR sullivan OR trimble OR vickery OR wadia)

(perform OR performed OR performing OR performance OR performs) w/10 (policy OR policies OR rate OR rated OR rates OR rating OR ratings OR review OR reviews OR reviewing OR reviewed OR good OR bad OR high OR low OR excellent OR poor OR improve OR improving OR improvement OR improved OR improves OR stellar OR fair OR fairly OR fairness OR unfair OR unfairly OR unfairness OR less OR more OR low OR high OR lot OR lots OR adjust OR adjusted OR adjusts OR adjustment OR adjusting OR adjustments OR OR increase OR increases OR increased OR increasing OR allocate OR allocation OR allocated OR allocating OR equity OR equitable OR equal OR equality OR freeze OR freezes OR froze OR frozen OR freezing OR decrease OR decreases OR decreased OR decreasing OR reduce OR reduced OR reduction OR reduces OR reducing OR advance OR advancement OR advanced OR advances OR advancing OR bias OR biased OR biases OR merit OR merits OR meritorious OR scale OR scales OR scaled OR raise OR raised OR raising OR raises OR nominate OR nomination OR nominates OR nominated OR nominating OR terminate OR terminates OR termination OR terminated OR terminating OR transfer OR transfers OR transferred OR transferring)

(perform OR performed OR performing OR performance OR performs) w/10 (hall OR hlson OR mcMahon OR pierce OR mand OR rubi OR friedman OR mckenna OR meadows OR green OR hubbard OR maclaughlin OR andrzejewski OR johnson OR wellikoff OR wolter OR leish OR pingree OR carlton OR dittenhafer OR lorillo OR moore OR trucco OR lucarelli OR babcock OR arens OR ward OR heapes OR rogers OR davis OR severenko OR surchin OR kronish OR rothchild OR hazard OR tornatore OR bowsox OR billups OR davidson OR "van lent" OR goonan OR deJohn OR previdi OR "van horne" OR knox OR hugley OR glasgow OR dacosta OR "clark assouad" OR under OR mcintyre OR heard OR "del

bove" OR renard OR baskin OR beaudoin OR binkowski OR branam OR brennan OR bryant OR carberry OR chamberlin OR curran OR da silva OR denker OR dhillon OR farnham OR fite OR fleurot OR freund OR gross OR hass OR hannafor OR harris OR hughes OR kolhagen OR lee OR lillien OR lillien OR lund OR manning OR masini OR mayers OR miller OR morsman OR o'donohue OR odonohue OR orr OR perlman OR shapiro OR tsokanos OR wilkinson OR wilson OR baker OR burgess OR caravetta OR carmer OR donaldson OR dorsey OR egler OR falcetti OR hausler OR marinelli OR mclean OR mclean OR morgan OR nesselrodt OR okane OR o'kane OR rosen OR showalter OR sullivan OR trimble OR vickery OR wadia)

(plan OR plans OR planning OR planned OR audit OR audits OR auditing OR audited OR budget OR budgets OR budgeting OR budgeted OR rationale OR staff OR staffing OR staffed OR staffs OR personnel OR salary OR salaries OR promote OR promoted OR promotes OR promoting OR promotion OR promotions OR headcount OR "head-count" OR layoff OR layoff\* OR "lay-off" OR lay-offs OR leave) w/25 (office OR offices OR practice OR practices OR region OR regions OR regional OR west OR northeast OR midatlantic OR "mid-atlantic" OR midwest OR "mid-west" OR south OR "north america" OR Americas OR restructure OR restructuring OR restructured OR restructures OR reorg OR reorganization OR re-org OR re-organization OR "new vision" OR brand OR brands OR branded OR branding OR network OR team OR teams OR area OR areas OR lead OR leads OR leader OR leaders OR leadership)

"a plan"

pmp

policy OR policies

(position OR positions) w/10 (policy OR policies OR except OR exception OR excepted OR fair OR fairness OR fairly OR unfair OR unfairness OR unfairly OR less OR more OR low OR high OR lot OR lots OR adjust OR adjusted OR adjusting OR adjustment OR increase OR increases OR increased OR increasing OR allocate OR allocation OR allocated OR allocating OR equity OR equitable OR equal OR equality OR freeze OR freezes OR froze OR frozen OR freezing OR decrease OR decreases OR decreased OR decreasing OR reduce OR reduced OR reduction OR reduces OR reducing OR advance OR advancement OR advanced OR advances OR advancing OR bias OR biased OR biases OR merit OR merits OR meritorious OR scale OR scales OR scaled OR raise OR raised OR raising OR raises OR nominate OR nomination OR nominates OR nominated OR nominating OR terminate OR terminates OR termination OR terminated OR terminating OR transfer OR transfers OR transferred OR transferring)

(position OR positions) w/10 (hall OR hirson OR mcMahon OR pierce OR mand OR rubi OR friedman OR mckenna OR meadows OR green OR hubbard OR maclaughlin OR andrzejewski OR Johnson OR wellikoff OR wolter OR leish OR pingree OR carlton OR dittenhafer OR torillo OR moore OR trucco OR lucarelli OR babcock OR arens OR ward OR heapes OR rogers OR davis OR severenko OR surchin OR kronish OR rothchild OR hazard OR tornatore OR bowsox OR billups OR davidson OR "van lent" OR goonan OR dejohn OR previdi OR "van horne" OR knox OR hugley OR glasgow OR dacosta OR "clark assouad" OR under OR mcintyre OR heard OR "del bove" OR renard OR baskin OR beaudoin OR binkowski OR branam OR brennan OR bryant OR carberry OR chamberlin OR curran OR da silva OR denker OR dhillon OR farnham OR fite OR fleurot OR freund OR gross OR hass OR hannafor OR harris OR hughes OR kolhagen OR lee OR lillien OR lillien OR lund OR manning OR masini OR mayers OR miller OR morsman OR o'donohue OR odonohue OR orr OR perlman OR shapiro OR tsokanos OR wilkinson OR wilson OR baker OR burgess OR caravetta OR carmer OR donaldson OR dorsey OR egler OR falcetti OR hausler OR marinelli OR mclean OR mclean OR morgan OR nesselrodt OR okane OR o'kane OR rosen OR showalter OR sullivan OR trimble OR vickery OR wadia)

"Power of One"

(pregnant or pregnancy) w/10 (policy OR policies OR fair OR fairness OR fairly OR unfair OR unfairness OR unfairly OR less OR more OR low OR high OR lot OR lots OR adjust OR adjusted OR adjusting OR adjustment OR increase OR increases OR increased OR increasing OR allocate OR allocation OR

allocated OR allocating OR equity OR equitable OR equal OR equality OR freeze OR freezes OR froze OR frozen OR freezing OR decrease OR decreases OR decreased OR decreasing OR reduce OR reduced OR reduction OR reduces OR reducing OR advance OR advancement OR advanced OR advances OR advancing OR bias OR biased OR biases OR merit OR merits OR meritorious OR scale OR scales OR scaled OR raise OR raised OR raising OR raises OR nominate OR nomination OR nominates OR nominated OR nominating OR terminate OR terminates OR termination OR terminated OR terminating OR transfer OR transfers OR transferred OR transferring)

(pregnant or pregnancy) w/10 (hall OR hirson OR mcMahon OR pierce OR mand OR rubi OR friedman OR mckenna OR meadows OR green OR hubbard OR maclaughlin OR andrzejewski OR johnson OR wellkoff OR wolter OR leish OR pingree OR carlton OR dittenhafer OR lorillo OR moore OR trucco OR lucarelli OR babcock OR arens OR ward OR heapes OR rogers OR davis OR severenko OR surchin OR kronish OR rothchild OR hazard OR tornatore OR bowsox OR billups OR davidson OR "van lent" OR goonan OR dejohn OR previdi OR "van horne" OR knox OR hugley OR glasgow OR dacosta OR "clark assouad" OR under OR mcintyre OR heard OR "del bove" OR renard OR baskin OR beaudoin OR binkowski OR branam OR brennan OR bryant OR carberry OR chamberlin OR curran OR da silva OR denker OR dhillon OR farnham OR fite OR fleurot OR freund OR gross OR hass OR hannafor OR harris OR hughes OR kolhagen OR lee OR lilien OR lillen OR lund OR manning OR masini OR mayers OR miller OR morsman OR o'donohue OR odonohue OR orr OR perlman OR shapiro OR tsokanos OR wilkinson OR wilson OR baker OR burgess OR caravetta OR carmer OR donaldson OR dorsey OR egler OR falcetti OR hausler OR marinelli OR mclean OR mclean OR morgan OR nesselrodt OR okane OR o'kane OR rosen OR showalter OR sullivan OR trimble OR vickery OR wadia)

prejudice OR prejudiced OR prejudicial OR prejudices

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"Viva la Difference"

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(work OR works OR working OR worked) w/5 (home OR house OR apartment OR apt)

"working capital" w/10 action OR plan OR component OR improve OR improved OR improvement OR raises OR bonuses OR promotions

**EXHIBIT D**

Metadata Field	Description
BegBates	Beginning production number
EndBates	Ending production number
BegAttach	Beginning production number for document family
EndAttach	Ending production number for document family
Custodian	Name of the person from whose files the document is being produced
DocType	Type of file (e.g. Email, Attachment, Efile)
FileType	Application used to create the file (e.g. Microsoft Word, Adobe Acrobat)
FileExt	File Extension (e.g. .MSG, .DOC, .XLS)
FileSize	File size of the document in Bytes
UNID	Lotus Notes universal document identifier
EmailType	Indication of type of email item (e.g. Calendar, Contact, Email, Note)
Author	'From' field of an email
Recipient	'To' field of an email
CC	'CC' field of an email
BCC	'BCC' field of an email
Subject	'Subject' field of an email
DateSent	Date the email was sent
TimeSent	Time the email was sent
DateReceived	Date the email was received
TimeReceived	Time the email was received
Redacted	Indication that the document being produced is redacted
MD5Hash	MD5 Hash value of the document
FileName	Filename of attachment or loose Efile
FilePath	Path to the folder where the loose file was maintained
FileTitle	'Title' field embedded in extended properties of attachment or loose Efile
FileAuthor	'Author' field embedded in extended properties of attachment or loose Efile
FileCompany	'Company' field embedded in extended properties of attachment or loose Efile
FileComments	'Comments' field embedded in extended properties of attachment or loose Efile
FileCreationDate	'DateCreated' field embedded in extended properties of attachment or loose Efile
FileDatePrinted	'Last Printed' field embedded in extended properties of attachment or loose Efile
DateCreated	File system Date Created field
DateModified	File system Date Modified field
NativeLinkPath	Path to the native files produced in the delivery
NativeLinkName	Name of native file produced in the delivery
ImageLinkPath	Path to the redacted image files produced in the delivery
ImageLinkName	Name of redacted image file produced in the delivery
TextPath	Path to the text files containing the extracted text produced in the delivery
TextName	Name of text file produced in the delivery

# **Exhibit H**



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New York, NY 10019  
(646) 723-2947  
Fax: (646) 723-2948

January 25, 2012

**VIA FACSIMILE (WITHOUT ENCL.) AND OVERNIGHT MAIL (WITH ENCL.)**

Honorable Andrew J. Peck  
U.S.D.C. – Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007  
Fax No. 212-805-7933

**Re: *da Silva Moore, et al. v. Publicis Groupe SA, et al.*, Civ. No. 11-CV-1279 – Joint ESI Protocol**

Dear Judge Peck,

Plaintiffs hereby submit in advance of the February 2, 2012 conference the Parties' Joint Protocol Relating to the Production of Electronically Stored Information ("ESI"). Plaintiffs have mailed the document to the Court via overnight mail, pursuant to your law clerk's instruction to mail documents over sixty pages. The areas of dispute between Plaintiffs and Defendant are as follows: 1) sources of ESI; 2) custodians; 3) predictive coding methodology; 4) cost; and 5) preservation. Plaintiffs' position regarding each of these categories is as summarized below.

**1) Sources of ESI**

Plaintiffs, from the very start of our discussions regarding ESI, have been forced to take the lead in identifying MSL's various sources of ESI containing potentially discoverable information. Defendant MSL has repeatedly attempted to limit the scope of discoverable ESI to email data from the EMC SourceOne Archive. In fact, MSL's draft ESI protocol submitted to the Court in advance of the January 4, 2012 ESI conference dealt exclusively with email data with the exception of a passing mention in a footnote of two other sources to which the protocol was "not intended to apply." By contrast, Plaintiffs' draft protocol listed 28 sources of ESI and proposed how each source should be classified. Plaintiffs agreed upon Defendant's suggestion to classify each source as either a Phase I source or a Phase II source. The parties discussed these phase designations at length during the parties' January 4, 2012 meet and confer. Plaintiffs believed at that time that the parties had reached agreement as to the phase designations. Defendant MSL agreed to provide answers to Plaintiffs' questions regarding ESI sources.

Plaintiffs sent Defendant a follow-up email containing the same questions on January 9, 2012, and many of these questions remain unanswered.

The next communication regarding ESI came on January 16, 2012, when Defendant MSL provided its redline to Plaintiffs' draft ESI protocol. Defendant's redline revealed edits to the sources inconsistent with the agreement the parties had reached on January 4. For example, Defendant changed the phase designation for five of the sources (Home Directories, Shared Folders, Noovoo, Hyperion, Vuvr/Taleo and Desktops/Laptops) from Phase I to "TBD." Defendant MSL also removed references to the production of ESI from many of the sources and to the parties' willingness to meet and confer regarding additional information required from sources. Every source of ESI identified during the meet and confer process should be specifically addressed in the protocol. The parties should work together to determine what, if anything, should be produced from each source, and any further information required in order to reach an agreement as to the production of ESI from each source.<sup>1</sup>

Further, Plaintiffs agreed to perform a duplication analysis for the Home Directories and Desktops/Laptops sources. The parties agreed to select a sample of custodians whose data from these sources would be collected and compared against the email data contained in EMC SourceOne. Plaintiffs agreed to this process in order to address Defendant MSL's belief that data from these sources would be largely, if not wholly, duplicative of the EMC SourceOne data. Plaintiffs proposed that the data should be compared for custodians without having to load home directories, laptops, and desktop data into Axcelerate. This can be used by comparing "MD5 hash" values in an efficient and low-cost manner. Defendant MSL wishes to load and process, at a high cost, all Home Directory and Laptop/Desktop data for only 2 custodians into Axcelerate. Defendant then wishes to report on the rate of duplication of only what is determined to be potentially relevant against the EMC SourceOne data in the Axcelerate system. Plaintiffs believe that a sample size of 2 is far too low and has proposed an alternative to MSL to allow for a larger sample at a lower cost. Finally, Plaintiffs believe that the duplication analysis can be done without first incurring the cost and delay of identifying what is potentially relevant, a process that Defendant MSL has not yet described.

## 2) Custodians

The Plaintiffs initially identified forty-seven (47) custodians from which ESI should be included in the ESI protocol. In contrast, Defendant MSL identified thirty-six (36) custodians. During the January 4 meet and confer, the parties discussed the custodians at length and agreed

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<sup>1</sup> Indeed, by excluding these additional sources of ESI from its proposed ESI protocol, Defendant is unilaterally deciding to exclude critical evidence from this case. For example, Defendant states in its letter to Your Honor that the source Noovoo contains "company notices" about "new policies," "job openings," "information on MSL offices worldwide," and "training programs" that have "marginal relevance" to this employment discrimination class action. Defendant further states that the source Hyperion contains "budgets, bonus pool information, and personnel costs" that are irrelevant despite the systemic pay discrimination claims alleged in this case and "should not be considered" at all. (Letter from Brett Anders to Judge Andrew Peck, Jan. 25, 2012, pages 10, 11) Plaintiffs maintain that ESI sources containing highly relevant information like company policies and pay information must be included in the ESI protocol.

to forty-four (44) custodians as reflected in the current version of the protocol.<sup>2</sup> In Defendant MSL's most recent January 16, 2012 redline version of the ESI protocol, Defendant surprisingly decreased its custodian list to thirty (30) with no explanation. Defendant further included arbitrary date limitations for many custodians without consulting Plaintiffs.

Though Defendant agreed in the parties' January 4 meet and confer and even represented to the Court that it agreed to apply search terms to comparator custodians before loading them into Axcelerate, Defendant MSL has just days ago informed Plaintiffs that it no longer intends to do so.<sup>3</sup> Instead, Defendant removed all mentions of comparator custodians from the ESI Protocol.

Plaintiffs are willing to work with Defendant to create a fair and comprehensive ESI protocol, but this type of regressive bargaining severely hinders the parties' ability to reach a resolution regarding electronic discovery. Accordingly, Plaintiffs request that the Court include in the final ESI protocol all the custodians identified by the Plaintiffs and remove the time period restrictions indicated by Defendant MSL.

### 3) Predictive Coding

Despite Plaintiffs' belief that the issues in this class litigation may be too complex for the use of predictive coding, Plaintiffs largely agreed with the process as proposed by Defendant MSL in their draft protocol submitted to the Court on January 3, 2012. However, Plaintiffs did not agree to a hard limitation on the number of documents subject to review and production by Defendant MSL. Defendant MSL argued to the Court for a limitation of their review to 40,000 documents given their unilateral assessment of the costs associated with the predictive coding process. The Court made it clear that any discussion of proportionality and a limitation on the number of documents subject to review was premature and that a hard stop at 40,000 documents at this point was unacceptable. However, Defendant MSL continues to include language regarding cost-shifting and proportionality in its version of the ESI protocol very similar to the analysis forbidden by the Court. Aside from the inappropriateness of this argument in general, these issues do not belong in a joint ESI protocol. Defendant MSL is free to bring a motion to the Court at a later date if it so chooses.

As with the negotiations regarding custodians, Defendant MSL once again retreats further from its original position regarding predictive coding to a point that it is no longer acceptable to Plaintiffs. Defendant MSL's proposed predictive coding process involves five major components: the Initial Random Sample, the Seed Set, Initial & Iterative Training, Final Search and Production, and Quality Control by Random Sample of Irrelevant Documents. While

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<sup>2</sup> During the hearing, Mr. Anders stated "we have identified eight custodians that the plaintiff would like us to add, five where they would be willing to first apply some level of filtering to their results, and then we would either manually review or possibly add those results into the database." (Jan. 4, 2012 Conference Transcript at 55:4-8.)

<sup>3</sup> *Seesupra* n. 1; Jan 4, 2012 Conference Transcript at 43:23-44:6 ("Mr. Anders: Your Honor, we spent the bulk of the time talking about the custodian list. We have identified five custodians that are, I think, more on the either comparator category or secondary category where I think you Honor suggested that maybe those email accounts get filtered prior to being put into the database...we have identified five where at least plaintiffs would be willing to apply some type of keyword search in the filtering to them first.").

Plaintiffs can agree with Defendant MSL's Initial Random Sample besides the number of documents, we take serious issue with changes made to the other components.

a) The Seed Set

The Seed Set, as proposed by Defendant MSL, is comprised of the review of three different groups of documents. The first group is a subset of the documents responsive to keywords and "other judgmental analysis and search techniques to locate highly relevant documents..."(MSL Draft ESI Protocol ¶ 5.a.) Defendant MSL refuses to conduct any additional review to create this subset of the seed set and wishes to rely solely on its initial review conducted before (1) the finalization of the ESI protocol, (2) the loading of all of data subject to the predictive coding process into Axcelerate, and (3) the parties' addition of two agreed-upon issue tags, or categories, for which documents will be reviewed.<sup>4</sup> Therefore, the documents derived from MSL's initial review do not constitute an accurate representation of the documents in the system and are not coded by category in a way that would effectively train the Axcelerate system on what is ultimately highly relevant. We respectfully request that the Court order Defendant MSL to regenerate their sample of documents that fall into this group and to review the documents for relevancy and for coding into the appropriate categories.

The second group is a subset of the documents responsive to a search using keywords provided by the Plaintiffs. The parties have agreed that the search will be run against all EMC SourceOne data collected for all custodians that the documents will be reviewed for coding into the appropriate agreed upon categories. Defendant MSL proposes reviewing 3,000 of these documents and Plaintiffs propose 5,000 documents. Plaintiffs believe that the documents responsive to this search are indicative of those that are most relevant. Therefore, Plaintiffs respectfully request that the Court order Defendant MSL to review 5,000 of these documents to be selected at random unless otherwise agreed by the parties.

The parties have reached an agreement regarding Judgmental Sampling, the third group of documents which comprise the seed set.

b) Initial & Iterative Training

Once the seed set has been reviewed, the coding applied to those documents is used as the basis for training the Axcelerate system. The validation and iterative training of the system occurs during the Initial & Iterative Training stage. Defendant MSL's original ESI protocol submission proposed two rounds of review and coding of 2,399 randomly sampled documents per round for a total of 4,798 documents.<sup>5</sup> Defendant MSL now proposes conducting no more than 7 rounds of 500 documents each, contrary to their original position which they so vigorously defended. Defendant MSL suggests that the system might be able to return reliable

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<sup>4</sup> During the parties' January 4 meet and confer, a representative of Recommind, owner of the Axcelerate system, stated that placing documents into their proper categories was an important step in training the system.

<sup>5</sup> In its original draft protocol submitted to the Court on January 3, 2012, Defendant MSL defended its sample of 2,399 documents by stating "this 2,399 number is based on a 95% with a confidence estimation of plus or minus 2%." (p. 9) Plaintiffs challenged this confidence level and Defendant MSL and their ESI experts vigorously defended it.

results in less than 7 rounds – or stated another way, before even having reviewed 3,500 documents. Furthermore, Defendant MSL has not explained how it will be determined that the system has reached a point at which its determination of highly relevant documents can be relied upon.

Plaintiffs initially proposed a higher confidence level of 99% which would require the review of 16,555 documents per round. However, we are willing to agree to 2,399 per round if the number of rounds is not limited. Plaintiffs respectfully request that the Court require Defendant MSL to review as many rounds of 2,399 randomly sampled documents as is required for the system to reach an acceptable level of reliability, and, therefore, subject to production to Plaintiffs.

c) Final Search and Production

As part of the Final Search & Production stage, Defendant MSL seeks to limit the number of documents subject to review and production once Axcelerate is properly trained and indicates which documents are relevant. If Axcelerate indicates that more than 75,000 documents are relevant, Defendant MSL will seek Court intervention in an effort to be relieved from reviewing the documents. Furthermore, Defendant MSL seeks recovery of their costs from Plaintiffs for reviewing more than 40,000 documents even if Axcelerate indicates that more than 40,000 documents are relevant.

First, Plaintiffs believe that any language regarding cost-shifting or relief from the Court should not be included in a jointly submitted ESI protocol. Second, as the Court specifically stated during the January 4th conference, it is inappropriate and premature to discuss any limitations to the number of documents subject to review and production. Court relief should be sought, if at all, only after Defendant MSL is aware of the results of the predictive coding process. Therefore, Plaintiffs respectfully request that the Court reject Defendant MSL's position on this issue and accept Plaintiffs' position as indicated in the attached ESI protocol.

d) Quality Control by Random Sample of Irrelevant Documents

If there are no limitations to the number of iterations required to generate the proper results of the predictive coding process consistent with Plaintiffs' position, Plaintiffs will agree to a random sample of 2,399 during the final Quality Control by Random Sample of Irrelevant Documents phase.

4) Cost

As discussed above, Plaintiffs request that the Court reject Defendant MSL's inclusion of cost-shifting, limits, and relief in the ESI protocol. It is untimely and inappropriate for Defendant to attempt to limit costs based on a yet undefined number of documents. The most appropriate inquiry regarding the ESI protocol should center around relevancy and should be guided by Rule 26 of the Federal Rules of Civil Procedure. Cost-shifting should not be the cornerstone of an ESI protocol at the expense of relevant discovery.

5) **Preservation**

Though sample ESI Protocols typically contain lengthy discussion of litigation holds, Defendant MSL refuses to include any mention of the parties' obligations and efforts to preserve information required by law. Rather, Defendant has deleted every reference to the parties' preservation duties from the protocol. Plaintiffs respectfully request that the Court include mentions of preservation duties in the Joint ESI Protocol.

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We look forward to resolving any outstanding ESI issues at the February 2, 2012 conference and thank the Court for its time and consideration of this matter.

Sincerely,

/s/ Janette Wipper

Janette Wipper

Enclosures

Cc w/ encl.: All counsel of record (via e-mail)