

# **SAMPLE PROPOSED REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS**

UNITED STATES DISTRICT COURT  
DISTRICT OF [jurisdiction]

Court File No.:

Plaintiff,

v.

DOCUMENT REQUEST

Defendant,

## **PLAINTIFFS' REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure ("FRCP") Plaintiffs, by counsel, request Defendants to produce the documents specified below, within thirty (30) days of service, to [counsel's name and address], or at such other time and place, or in such other manner, as may be mutually agreed upon by the parties. Defendants' production of documents shall be in accordance with the Instructions and Definitions set forth below and Fed.R.Civ.P. 34.

## **INSTRUCTIONS AND DEFINITIONS**

(a) Whenever reference is made to a person, it includes any and all of such person's principals, employees, agents, attorneys, consultants and other representatives.

(b) When production of any document in Plaintiffs' possession is requested, such request includes documents subject to the Plaintiffs' possession, custody or control. In the event that Defendant is able to provide only part of the document(s) called for in any particular Request for Production, provide all document(s) that Defendants are able to provide and state the reason, if any, for the inability to provide the remainder.

(c) "Document(s)" means all materials within the full scope of Fed.R.Civ.P. 34 including but not limited to: all writings and recordings, including the originals and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise (including but without limitation to, email and attachments, correspondence, memoranda, notes, diaries, minutes, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, tags, labels, invoices, brochures, periodicals, telegrams, receipts, returns, summaries, pamphlets, books, interoffice and intraoffice communications, offers, notations of any sort of conversations, working papers, applications, permits, file wrappers, indices, telephone calls, meetings or printouts, teletypes, telefax, invoices, worksheets, and all drafts, alterations, modifications, changes and amendments of any of the foregoing), graphic or aural representations of any kind (including without limitation, photographs, charts, microfiche, microfilm, videotape, recordings, motion pictures, plans, drawings, surveys), and electronic,

mechanical, magnetic, optical or electric records or representations of any kind (including without limitation, computer files and programs, tapes, cassettes, discs, recordings), including metadata.

(d) If any document is withheld from production under a claim of privilege or other exemption from discovery, state the title and nature of the document, and furnish a list signed by the attorney of record giving the following information with respect to each document withheld:

- (i) the name and title of the author and/or sender and the name and title of the recipient;
- (ii) the date of the document's origination;
- (iii) the name of each person or persons (other than stenographic or clerical assistants) participating in the preparation of the document);
- (iv) the name and position, if any, of each person to whom the contents of the documents have been communicated by copy, exhibition, reading or substantial summarization;
- (v) a statement of the specific basis on which privilege is claimed and whether or not the subject matter or the contents of the document is limited to legal advice or information provided for the purpose of securing legal advice; and
- (vi) the identity and position, if any, of the person or persons supplying the attorney signing the list with the information requested in subparagraphs above.

(e) "Relate(s) to," "related to" or "relating to" means to refer to, reflect, concern, pertain to or in any manner be connected with the matter discussed.

(f) Every Request for Production herein shall be deemed a continuing Request for Production, and Defendant is to supplement its answers promptly if and when Defendant obtains responsive documents which add to or are in any way inconsistent with Defendant's initial production.

(g) These discovery requests are not intended to be duplicative. All requests should be responded to fully and to the extent not covered by other requests. If there are documents that are responsive to more than one request, please note and produce each such document first in response to the request that is more specifically directed to the subject matter of the particular document.

(h) Any word written in the singular herein shall be construed as plural or vice versa when necessary to facilitate the response to any request.

(i) "And" as well as "or" shall be construed disjunctively or conjunctively as necessary in order to bring within the scope of the request all responses which otherwise might be construed to be outside its scope.

## **DOCUMENT REQUESTS**

1. All documents with reference to or written policies, procedures and guidelines related to Defendant's computers, computer systems, electronic data and electronic media including, but not limited to, the following:
  - a. Backup tape rotation schedules;
  - b. Electronic data retention, preservation and destruction schedules;
  - c. Employee use policies of company computers, data, and other technology;

- d. File naming conventions and standards;
  - e. Password, encryption and other security protocols;
  - f. Diskette, CD, DVD, and other removable media labeling standards;
  - g. Email storage conventions (i.e., limitations on mailbox sizes/storage locations, schedule and logs for storage, etc.);
  - h. Electronic media deployment, allocation and maintenance procedures for new employees, current employees or departed employees.
  - i. Software and hardware upgrades (including patches) for [relevant time period] (who and what organization conducted such upgrades); and
  - j. Personal or home computer usage for work-related activities.
2. Organization charts for all Information Technology or Information Services departments or divisions from [relevant time period].
  3. Backup tapes containing email and other electronic data related to this action from [relevant time period].
  4. Exact copies (i.e., bit-by-bit mirror image copies) of all hard drives on the desktop computers, laptop computers, notebook computers, personal digital assistant computers, servers, and other electronic media related to this action from [relevant time period].
  5. Exact copies of all relevant disks, CDs, DVDs and other removable media related to this action from [relevant time period].
  6. For each interrogatory set forth in Plaintiffs' First Interrogatories, produce all documents which Defendant referred to, relied upon, consulted or used in any way in answering such interrogatory.
  7. All documents that contain or otherwise relate to the facts or information that Defendants contend refute, in any way, the allegations contained in the Complaint in this action.
  8. All reports, including drafts, submitted by any expert witness or potential expert witness retained or consulted by any Defendant with respect to the issues raised in this case.

Date:

Respectfully submitted,

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