STATE OF MICHIGAN
COURT OF CLAIMS

NORTHCARE NETWORK MENTAL HEALTH CARE ENTITY, NORTHERN MICHIGAN REGIONAL ENTITY, REGION 10 PIHP, AND COMMUNITY MENTAL HEALTH PARTNERSHIP OF SOUTHEAST MICHIGAN,

Plaintiffs,

v

STATE OF MICHIGAN, STATE OF MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES, A MICHIGAN STATE AGENCY, AND DIRECTOR, ELIZABETH HERTEL, IN HER OFFICIAL CAPACITY,

Defendants.

Case No.: 24-000198-MZ

HON. SIMA G. PATEL

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Christopher J. Ryan (P74053)
Gregory W. Moore (P63718)
Attorneys for Plaintiffs
Taft, Stettinius & Hollister, LLP
27777 Franklin Road, Suite 2500
Southfield, MI 48034
(248) 727-1553

Marissa Wiesen (P85509)
Heather L. Sneden (P71485)
Attorneys for Defendants
Assistant Attorneys General
Michigan Department of Attorney General
Health, Education & Family Services Division
P.O. Box 30758
Lansing, MI 48909
(517) 335-7603

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**STIPULATED ORDER REGARDING ELECTRONICALLY STORED INFORMATION**

The Plaintiffs and Defendants (collectively, "the Parties" and individually, "Party"), by their respective counsel have met and conferred regarding electronic discovery, and hereby stipulate and agree to the following order ("Order"). Counsel executing this Order warrant and represent that they are authorized to do so on behalf of themselves and their respective clients.

## A. PURPOSE

This Order will govern discovery of paper documents and electronically stored information (collectively referred to as "ESI") in this case and may be modified by a Stipulated Order of the Parties, by the Court for good cause shown, or for any other reason the Court deems appropriate. See MCR 2.401(J)(4).

## B. COOPERATION

The Parties are aware of the importance the Court places on cooperation and commit to cooperate in good faith throughout the matter. Cooperation includes, but isn't limited to:

- Employing best efforts to comply with and resolving differences regarding compliance with this Order;
- Promptly responding to outstanding discovery issues; and
- To meet and confer regarding issues not addressed in this Order.

## C. PRESERVATION AND DATA RETENTION

The Parties agree to take reasonable and proportional steps to preserve discoverable information in the Party's possession, custody or control. Such steps shall include reasonable measures to preserve all relevant information and documents. The method of preservation should be intended to permit the collection and production of metadata. Metadata is the information that is automatically created and stored about a document and referenced in Appendix B.

## D. SCOPE

Nothing in this Order shall require the disclosure of information not responsive to discovery requests or information protected by the attorney-client privilege, work product doctrine, deliberative process privilege, or any other applicable privilege. The Parties do not waive any objections regarding the production, discoverability, or confidentiality of documents. However, responsive information that is withheld shall be identified along with the objection upon which it is withheld.

The Parties agree that the following categories of ESI are the sources most easily accessible and are the mostly likely to contain relevant information to the Parties' claims or defenses in this matter. This categorical identification is not intended as an exhaustive list of potential sources of ESI and shall not be construed to waive a party's right to request additional ESI upon a showing of good cause, or any Party's right to object to production.

- Email;
- Shared Network Drives;

Absent a showing of good cause by the requesting Party, the following categories of ESI are not discoverable and need not be preserved:

- Random access memory (RAM) or other ephemeral data;
- Data in metadata fields that are frequently updated automatically, such as LASTOPENEDDATE;
- Common server, system and program files defined by the NIST library (http://www.nsrl.nist.gov/);
- Deleted, slack, fragmented, or unallocated data on hard drives;
- Backup data that is essentially duplicative of data more accessible elsewhere;
- Online access data such as temporary Internet files, history, cache, cookies;
- Data remaining from systems that are no longer in use, and that is unintelligible on systems in use;
- Data from mobile devices (Blackberry, Android, or iPhone, for example) where the party believes based on its standard practices that the information contained on those devices is duplicative of other sources.

Unless a specific exception has been noted in writing, the producing Party shall not be obligated to preserve, collect or produce ESI (or other documents) that are in the actual possession of a non-party to the Litigation. This does not apply to information in the possession of an electronic discovery vendor that has been retained to host and facilitate the production of data in this case.

## E. SEARCH

The Parties agree to meet and confer about the methods they will use to (1) search ESI to identify information that is subject to production, and (2) filter out ESI that is not subject to discovery. The Parties will meet and confer about data sources that will be searched, search syntax, date limitations, and custodians. If the Parties cannot agree on appropriate search protocols, the matter may be brought before the Court.

## F. DOCUMENTS THAT ARE NOT MACHINE-SEARCHABLE

Documents that are not machine-searchable (e.g., unindexed items in Microsoft Exchange Server) will not be reviewed absent an agreement

between the Parties. This does not relieve any Party of producing responsive documents that they know to exist without the need to conduct a search.

## G. PRODUCTION FORMAT

The Parties agree to produce documents in the format detailed in the following production specifications.

- Documents Produced as TIFF or JPEG Images. All documents, except those to be produced in native format, will be produced in TIFF or JPEG format, according to the following protocol.

    - Each image (whether JPEG or TIFF) shall have a unique file name, which is the Bates Number of the document.
    - Each image shall be branded with its corresponding Bates Number using a consistent font type and size. The producing Party shall make reasonable efforts to avoid obscuring any part of the underlying image with the Bates Number.
    - Images shall be provided in black and white. Black and white TIFF images shall be produced as single-page Group IV 1-bit depth using at least 300 DPI print setting.
    - If a document is produced in TIFF format but requires color to understand its full meaning and content, the receiving Party may, in good faith, request that the document be produced in color format. The producing Party shall not unreasonably deny such a request and shall produce such documents in JPEG format.
    - Microsoft Word documents will be imaged showing track changes and comments, unless produced natively.

- Documents Produced in Native Format. Certain file types—including but not limited to, Microsoft Excel spreadsheets and Microsoft PowerPoint documents—can lose significant information and meaning when produced as an image. The Parties have therefore agreed that, if a document cannot be accurately represented and comprehended as an image, it will be produced in Native Format subject to the following protocol.

    - The following file types will be produced natively:
        - Microsoft Excel® documents;
        - Microsoft PowerPoint® presentations;
        - Computer Aided Drafting (CAD) files;
        - Microsoft Access® databases;
        - Audio files (.mp3, .wav, .ram, .ra, .mid, etc.); and

        - Video files (.3g2 .3gp .asf, .asx, .avi, .flv, .mov, .mp4, .mpg, .rm, .swf, vob, .wmv, .etc.). Video files may be provided for inspection in lieu of production when production would violate state or federal law or violate software licensing.
    - Documents produced in Native Format shall be given a file name comprised of the document's Bates Number and file extension (e.g. US00000000.xls).
    - Documents produced in Native Format shall be produced with a Bates-numbered TIFF image slip-sheet stating the "Document has been produced in Native Format."
    - The Parties will make reasonable efforts to ensure that documents produced in native form are decrypted (or that passwords are supplied).
    - Each Party reserves the right to request native files for documents that are difficult to understand after they have been produced in an image format or contain potentially relevant embedded information, and such requests will not be unreasonably denied. Such a request shall be made according to the following protocol.
        - The receiving Party shall provide the producing Party with the Bates numbers of each document that it is requesting be produced in Native Format, along with a brief description of why each document being requested cannot be accurately represented and comprehended as an image.
        - The receiving Party shall make this request within fifty-six (56) days after the receipt of the document.
        - The producing Party shall respond to any such request within twenty-one (21) days of receiving this request by (1) producing the requested documents in Native Format to the extent reasonably practicable, or (2) responding to the receiving Party in writing, setting forth its position regarding the production of the requested documents.
        - If the Parties are unable to agree as to the production of the requested documents in Native Format, they may submit the matter to the Court.

- Production of Paper Documents. Paper documents requiring production will be converted to electronic format, processed and produced in the following manner. There is no obligation to rescan paper documents, in accordance with these provisions, that were converted to an electronic format prior to the commencement of the litigation.

- TIFF Images. Paper documents shall be scanned as single page, Group IV 1-bit depth compression TIFF images using a print setting of at least 300 DPI. Each image shall have a unique file name—i.e., the Bates Number of the document—and shall be branded with its corresponding and sequential Bates Number using a consistent font type and size. The producing Party shall make reasonable efforts to avoid obscuring any part of the underlying image with the Bates Number.
- OCR Acquired Text Files. When subjecting paper documents to an OCR process, the settings of the OCR software shall maximize text quality over process speed. Any settings such as "auto-skewing," "auto-rotation," and the like should be turned on when documents are run through the process.
- Unitization. In scanning paper documents, distinct documents shall not be merged into a single record, and single documents shall not be split into multiple records (i.e., paper documents should be logically unitized). The producing Party will make their best efforts to unitize documents correctly.

- ESI Preventing Traditional Production. The Parties understand and acknowledge that certain categories of ESI are structurally complex, and do not lend themselves to production in Native Format or other traditional formats. To the extent that a response to discovery requires the production of such ESI—e.g., discoverable electronic information contained in a database—the Parties shall negotiate appropriate parameters for producing discoverable information and generating a report in a reasonably usable and exportable electronic file (e.g., Excel, CSV, or SQL format).

- Text Files. Document level text files (.TXT) will be provided for each document produced. Text files will be named the first Bates number of the respective document. Electronic text must be extracted directly from the native electronic file, the format in which the ESI was created, unless the document was redacted. An image, physical document or redacted document will require the use of optical character recognition (OCR), the electronic conversion of images of text whether typed, handwritten or printed into searchable text, and it will be produced in lieu of extracted text. The Parties agree not to degrade the searchability of documents as part of the document production process. There is no need to produce text files for documents that contain no text, such as some image formats (e.g. .bmp, gif, .png, etc.).
- Metadata. Each of the metadata and coding fields set forth in Appendix B which can be extracted from a document shall be produced for that document. The producing Party is not obligated to populate manually any of the fields in Appendix B if such fields cannot be

electronically extracted, except the following fields shall be populated by the producing Party:

- BEGBATES;
- ENDBATES;
- BEGATTACH (if applicable);
- ENDATTACH (if applicable);
- CUSTODIANSALL (if applicable);
- VOLUME;
- NATIVELINK (if applicable); and
- REDACTED (if applicable).

- Load Files. All documents shall be produced in electronic format, with files suitable for loading into a Relativity litigation support review database. All productions will include both image and metadata Load Files, with the Load Files in the format described in Appendix A.

- Production Media. The producing Party shall produce all documents (whether in TIFF, JPEG, or native format), load files, and metadata on production media or via a File Transfer Protocol ("FTP"). Production media must be encrypted, with the producing Party to provide a decryption key concurrently with (but under separate cover from) the production. Each piece of production media shall include a unique identifying label (or cover email for an FTP production) including the following information:

  - Date of the production (mm/dd/yyyy);
  - Volume number;
  - Bates Number range.

Replacement production media shall cross-reference the original production media, clearly identify that it is a replacement, and cross-reference the Bates Number range that is being replaced.

## H. PRODUCTION GUIDELINES

The Parties agree to produce documents utilizing the guidelines detailed in the following production provisions.

- De-Duplication. A Party is only required to produce a single copy of a document responsive to a discovery request. ESI will be deduplicated across custodians (i.e. global deduplication) using the MD5 hash algorithm. The document's custodians prior to de-duplication will be populated in the CUSTODIANSALL metadata filed listed in Appendix B. The following instructions apply to the use of de-duplication.

- ESI that is not an exact duplicate may not be removed. However, the MD5 hash may be calculated without the use of seconds for time sent and time received to prevent the misidentification of duplicates.
- Attachments to emails shall not be eliminated from the parent email.
- Paper documents shall not be eliminated as duplicates of ESI.

- Embedded Objects. To the extent possible by the custodian's existing license, non-image files embedded in documents will be extracted as separate documents and treated like attachments to the document in which they were embedded. However, image files embedded within documents, such as signature blocks, shall not be extracted as separate documents nor produced.

- Production of Emails. Parent-child relationships (the association between emails and their attachments) will be preserved, and attachments to emails will not be eliminated from the parent email. Email attachments will be consecutively produced with the parent email, and families will be associated using attachment range metadata. Hyperlinked documents shall not be treated as conventional attachments for purposes of preserving a "family" relationship in production. However, the parties shall consider reasonable requests for production of hyperlinked documents on a case-by-case basis. Such requests should not be made as a matter of routine.

- Email Threading. A Party may exclude non-inclusive email threads from its productions. A non-inclusive email is one whose text and attachments are fully contained within another (inclusive) email. In this case, review and production will consist of the most inclusive emails, any unique email attachments that were included at any point in the email thread, and the parent emails of those attachments. To identify non-inclusive email threads, the producing Party must employ industry-standard email-threading technology.

- Redaction. If a document requires redaction to protect information contained within it from disclosure, it should be rendered in TIFF format and redacted prior to production. The redacting Party shall make redactions using a white text box with a black border that identifies one of the reasons for the redaction on its face (e.g. "attorney-client privilege" or "PII").

- Exceptions. The parties will make reasonable efforts to identify as exception files those documents that cannot be produced or imaged due to technical difficulties (such as corruption, password protection, digital rights management, or proprietary software associated to the file). Identified exception files will be listed on a log that includes each file's name, custodian, and reason for the exception.

## I. THIRD-PARTY ESI

A Party that issues a non-party subpoena (the "issuing Party") will include a copy of this Order with the subpoena and will request that non-parties produce documents in accordance with the Order.

The issuing Party will produce any documents obtained under a subpoena to all other Parties. Any documents the issuing Party does not intend to process for its own use may be disseminated to all other Parties in the format in which such documents are received by the issuing Party. If the issuing Party subsequently processes any such documents, the issuing Party will produce those documents to all other parties after processing.

If the non-party production is not Bates-stamped, the issuing Party will endorse the non-party production with unique prefixes and Bates numbers prior to producing them to all other Parties.

The Parties may decide to meet and confer regarding cost sharing arrangements for third-party discovery but are under no obligation to do so.

## J. PROTECTED MATERIAL

If the producing Party discloses information that the Party thereafter claims to be material protected material, whether inadvertent or otherwise, the disclosure of protected material shall not constitute or be deemed a waiver or forfeiture of any claim of privilege or confidentiality, that the Party would otherwise be entitled to assert, in this case or in any other federal or state proceeding. This provision shall be interpreted to provide the maximum protection allowed by MCR 2.302(B)(7).

The producing Party may assert in writing any privilege or claim of confidentiality with respect to the disclosed protected material. Within five (5) business days of receipt of that writing, the receiving Party must (i) return or destroy all copies of the protected material, and (ii) provide a written notification to the producing Party that all the protected material has been returned or destroyed. Within five (5) business days of receipt of the notification that the protected material has been returned or destroyed, the producing Party must provide a privilege log with respect to the protected material to the receiving Party.

If the receiving Party contests the claim of privilege or confidentiality of the disclosed protected material, it shall give the producing party written notice of the reason for the disagreement and shall be entitled to retain one sequestered copy of the disputed document(s) for use in resolving the dispute. In that instance, the receiving party shall, within fifteen (15) business days from the initial notice by the producing party, seek an Order from the Court compelling the production of the material. If no such Order is sought, upon expiration of the fifteen (15) day period, then all copies of the disputed document(s) shall be returned or destroyed. The Parties may stipulate in writing to extend the time periods set forth in the preceding paragraphs.

The receiving Party may not disclose any of the protected material, except under seal to a court of law, until the resolution of the objection. Pending such resolution, the receiving Party must sequester the protected material and not use or disclose it to any person other than as required by law. Protected material that is sought to be reclaimed by the producing Party shall not be used as grounds by any other Party or third-party to argue that any waiver of privilege or protection has occurred by its production. However, the producing Party retains the burden of establishing the privileged or protected nature of the protected material.

Any analyses, memoranda or notes which were created based upon such protected information shall immediately be placed in sealed envelopes and shall be destroyed if (a) the receiving party does not contest that the information is privileged, or (b) the Court rules that the information is privileged. Such analyses, memoranda or notes may only be removed from the sealed envelopes if (a) the producing party agrees in writing that the information is not privileged, or (b) the Court rules that the information is not privileged.

## K. PRIVILEGE LOG

The producing Party agrees to produce privilege log(s) that describe the nature of protected materials that are not produced or disclosed in a manner that will enable the receiving Party to assess the claim of privilege, immunity, or other similar claim, without revealing the information itself that is asserted to be privileged or protected, except that Parties shall not log:

- Correspondence sent between in-house attorneys acting as counsel and outside counsel and/or contracted outside counsel;
- Privileged or work-product information generated after the filing of the complaint; and
- Activities undertaken in compliance with the duty to preserve information (including, but not limited to, litigation hold letters) that are protected from disclosure.

However, nothing in this subpart shall be construed to waive, alter or limit a Party's obligation to present evidence in response to a challenge made to that Party's compliance with its preservation obligations including, but not limited to, matters related to spoliation.

The Parties agree that all privilege logs shall include, at least, the following information:

- The date of the document (sent date for emails and attachments, last modified date for others);
- The author of the document;
- The identity of all persons designated as addressees, copyees, or blind copyees;
- The file name of the document;
- A description of the contents of the document that, without revealing information itself privileged or protected, is sufficient to understand the subject matter of the document and the basis of the claim of privilege or immunity;
- The type or nature of the privilege asserted (e.g., attorney-client privilege, work product doctrine, etc.).

Any email chain (i.e., a series of emails linked together by replies and within the same document) that is withheld or redacted on grounds of privilege or immunity may be logged together as a single entry on the privilege log and may be logged using only the information from the top email in the chain.

## L. OTHER

This Order shall have no effect on any producing Party's right to seek reimbursement for costs associated with collection, review, or production of documents or ESI.

## STIPULATION TO ENTRY OF ORDER

The Parties through their respective counsel stipulate that the Court should enter this Order in this form and without further notice.

Dated: June 22, 2026

*Christopher Ryan, w/ permission*
Christopher Ryan (P74053)
Attorney for Plaintiffs
Taft, Stettinius & Hollister, LLP

Dated: June 22, 2026

*/s/ Marissa Wiesen*
Marissa Wiesen (P85509)
Attorney for Defendants
Michigan Dep't of Attorney General

**ORDER**

IT IS SO ORDERED.

Dated: June 26, 2026

Hon. Sima G. Patel (P69541)
Judge, Court of Claims

## APPENDIX A: REQUESTED LOAD FILE FORMAT FOR ESI

1. Delimited Text File. A standard Concordance delimited load file (.DAT) will be provided for both the production-related fields and corresponding metadata for each production. Documents will be produced with related metadata (to the extent it exists) as described in Appendix B. The delimiters for the DAT file should be Concordance defaults:

| Delimiter Description | ASCII Symbol | ASCII Number |
|---|---|---|
| Field Separator | ¶ | 22 |
| Quote Character | þ | 254 |
| Multi-entry | ; | 59 |
| <Return> Value/New Line | ® | 174 |

2. Image Cross-Reference File (Opticon Load File). The Opticon cross-reference file is a comma delimited file consisting of six fields per line showing the document boundaries and the correlation between the unique page identifier of the document and the location of the file on the delivery media. There must be a line in the cross-reference file for every image in the database. The format for the file is as follows:

*ImageID,VolumeLabel,ImageFilePath,DocumentBreak,FolderBreak,BoxBreak,Page Count*

- **ImageID**: The unique designation that Concordance uses to identify an image; should mirror the Bates Number.
- **VolumeLabel**: The name of the volume.
- **ImageFilePath**: The relative path to the image file.
- **DocumentBreak**: If this field contains the letter "Y," then this is the first page of a document. If this field is blank, then this page is not the first page of a document.
- **FolderBreak**: Leave empty.
- **BoxBreak**: L eave empty.
- **PageCount**: Number of pages in the document.

**Sample Data**
PROD00000001,VOL001,\100\PROD00000001.TIF,Y,,2
PROD00000002,VOL001,\100\MT00000002.TIF,,,,
PROD00000003,VOL001,\100\MT00000003.TIF,Y,,,4
PROD00000004,VOL001,\100\MT00000004.TIF,,,,
PROD00000005,VOL001,\100\MT00000005.TIF,,,,
PROD00000006,VOL001,\100\MT00000006.TIF,,,,

## APPENDIX B: REQUESTED METADATA FIELDS

| FIELD NAME | EXAMPLE / FORMAT | DESCRIPTION |
|---|---|---|
| **ATTACHCOUNT** | 4 (Numeric) | The number of attachments to the document. |
| **AUTHOR** | Jsmith | The author of the document from entered metadata. |
| **BCC** | Joe Smith <jsmith@email.com>; tjones@email.com | The display name and email of the blind copyee(s) of an email (if available). |
| **BEGATTACH** | US00000001 (Unique ID Parent-Child Relationships) | The Bates number associated with the first page of the parent document. |
| **BEGBATES** | US00000001 (Unique ID) | The Bates number associated with the first page of the document. |
| **CC** | Joe Smith <jsmith@email.com>; tjones@email.com | The display name and email of the copyee(s) of an email (if available). |
| **CONFIDENTIAL** | Confidential<br>Highly Confidential<br>Attorney's Eyes Only | Demonstrates the level of confidentiality assigned to the document |
| **CREATEDATE** | MM/DD/YYYY | The date the document was created. |
| **CREATETIME** | HH:MM | The time the document was created. |
| **CUSTODIANSALL** | Joe Smith | The custodian or custodians from whom a document was collected. |
| **DOCTITLE** | Resume.docx | The document's extracted document title. |
| **DOCTYPE** | Microsoft Outlook Item<br>Microsoft PowerPoint Presentation | Document type as identified by metadata associated with the native document indicating the application that created it. |
| **EMAILSUBJECT** | Re: Vacation | Subject line extracted from an email. |

| FIELD NAME | EXAMPLE / FORMAT | DESCRIPTION |
|---|---|---|
| **ENDATTACH** | US00000008 (Unique ID Parent-Child Relationships) | The Bates number associated with the last page of the last attachment in the document family. |
| **ENDBATES** | US00000003 (Unique ID) | The Bates number associated with the last page of the document. |
| **FILEEXT** | XLS | The document's file extension. |
| **FILENAME** | Document Name.xls | The document's file name. |
| **FILEPATH** | Joe Smith/email/Inbox<br>Joe Smith/email/Deleted Items<br>Joe Smith/Loose Files/Accounting/...<br>Joe Smith/Loose Files/Documents and Settings/... | Fully qualified path to the source folder, files and/or mail stores. |
| **FILESIZE** | 125256 | The document's file size in KB. |
| **FROM** | Joe Smith <jsmith@email.com> | The display name and email of the email's author (if available). |
| **LASTMODDATE** | MM/DD/YYYY | The date on which the document was last modified. |
| **LASTMODTIME** | HH:MM | The time when the document was last modified |
| **MD5 HASH** | 9CE469B8DFAD1058C3B1E745001158EA | The MD5 value or "de-duplication key" assigned to the document. |
| **NATIVELINK** | \NATIVES\US00000001.xls | The relative path to a native copy of the Document. |
| **PARENT DATE** | MM/DD/YYYY | DocDate of parent record. This field allows for attachment families to sort together. |
| **PGCOUNT** | 3 (Numeric) | The document's page count. |
| **RECEIVEDDATE** | MM/DD/YYYY | The date the document was received. |
| **RECEIVEDTIME** | HH:MM | The time the document was received. |

| FIELD NAME | EXAMPLE / FORMAT | DESCRIPTION |
|---|---|---|
| **RECORD TYPE** | Email<br>Attachment<br>Standalone | The type of record: email, attachment, standalone document. |
| **REDACTED** | Redacted | Indicates whether the document contains redactions. |
| **SENTDATE** | MM/DD/YYYY | The date the email was sent. |
| **SENTTIME** | HH:MM | The time the email was sent. |
| **TEXTLINK** | \TEXT\ US00000001.txt | The relative path to the text file containing the extracted or OCRed text of the Document. |
| **TIMEZONE** | PST, CST, EST, etc. | For DAG, data will be processed using EST. |
| **TO** | Joe Smith <jsmith@email.com>; tjones@email.com | The display name and email of the recipient(s) of an email (if available). |
| **VOLUME** | VOL001 | The name of CD, DVD or Hard Drive (vendor assigns). |