STATE OF MICHIGAN
IN THE COURT OF CLAIMS

HOME BUILDERS ASSOCIATION OF MICHIGAN and MICHIGAN MANUFACTURED HOUSING ASSOCIATION,

Plaintiffs,

v

MARLON I. BROWN, DIRECTOR, MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS and MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS,

Defendants.

/

Case No. 25-000106-MZ

Hon. James Robert Redford

STIPULATED ORDER REGARDING THE PROTOCOL FOR ELECTRONICALLY STORED INFORMATION

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STIPULATED ORDER REGARDING THE PROTOCOL FOR ELECTRONICALLY STORED INFORMATION

To expedite the flow of discovery material and to facilitate the consistency in the format of the documents to be produced by the Parties in this case, Plaintiffs and Defendants (collectively "Parties"), by and through their respective counsel, hereby stipulate and agree to the terms of this Stipulated Order Regarding the Protocol for Electronically Stored Information ("ESI"):

I. PURPOSE

This Stipulated Protocol for Electronically Stored Information ("ESI Protocol") shall govern the production of ESI by the Parties in the above-captioned litigation (the "Action"). Nothing in this Stipulated Order shall be interpreted to require disclosure of information protected by the attorney-client privilege, work-product doctrine, or any other applicable privilege or immunity. Except as expressly provided herein, the Parties do not waive any objections as to the production, discoverability, authenticity, admissibility, or confidentiality of any particular ESI.

II. APPLICABILITY

The ESI Protocol shall apply to all ESI that are produced in the first instance in this Action after the date of the entry of this Order.

III. DEFINITIONS

The Parties agree that the following definitions shall apply to the terms used herein. To the extent a technical term is not defined herein, the meaning of those technical terms shall be the same as set forth in the "The Sedona Conference Glossary: E-Discovery and Digital Information Management," Sixth Ed. (December 2025).

1. The term "Confidentiality Designation" means the coded confidentiality designation assigned to a document by the Producing Party and provided to the Receiving Party in a load file that accompanies the production.

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2. The term "Custodian" means a person with custody of Documents during, or prior to, the time of collection.

3. The term "Database" means a collection of related Electronic Data organized (often in rows, columns and tables) in an electronic environment for a particular purpose. Databases often perform various functions, including data analysis, data sorting and report generation.

4. The term "Document" shall include both Hard-Copy Documents and Electronic Documents as defined herein.

5. The term "Electronic Data" means raw data stored in a Database, as defined herein.

6. The term "Electronic Document" means Documents existing in electronic form at the time of collection, including but not limited to: e-mail, word processing files (*e.g.*, Microsoft Word), computer presentations (*e.g.*, PowerPoint slides), spreadsheets (*e.g.*, Excel).

7. The term "Hard-Copy Document" means Documents existing only in paper form at the time of collection.

8. The term "Load File" means a file provided with a production set of documents, metadata and other information that facilitates the loading/correlation of such information into/within a Receiving Party's document review platform. (*i.e.*, a ".DAT", ".OPT", or "LFP" file)

9. "Metadata" means: (i) all information embedded in a Native File that is not ordinarily viewable or printable from the application that generated, edited, or modified such Native File; and (ii) all information generated automatically by the operation of a computer or other information technology system when a Native File is created, modified, transmitted, deleted or otherwise manipulated by a user of such system (*e.g.*, date created, date sent, author, recipient).

10. The term "Native Format" means the format in which an Electronic Document was created and used (also referred to in terms of "Native Production").

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11. The term "Producing Party" means any Party to the Action that produces Documents under this Stipulation.

12. The term "Receiving Party" means any Party to the Action that requests or receives Documents under this Stipulation.

13. The term "Searchable Text" means the text extracted from an Electronic Document and any Optical Character Recognition text (a.k.a. OCR text) generated from a Hard-Copy Document or electronic image.

14. The term "Static Image(s)" means a representation of ESI produced by converting a Native File into a standard image format capable of being viewed and printed on standard computer systems. A Tagged Image File Format (TIFF) image is an example of a Static Image. Static Images should be Bates numbered sequentially in a way that facilitates the use of discovery materials by the Parties and the Court.

IV. GENERAL

1. The Parties shall take reasonable steps to comply with the protocol set forth herein.

2. To the extent reasonably possible, the production of documents shall be conducted to maximize efficient and quick access to documents and minimize related discovery costs. The terms of this Stipulation should be construed so as to ensure the prompt, efficient, and cost-effective exchange of information consistent with the Michigan Court Rules and any Orders by this Court.

3. Except as specifically limited herein, this Stipulation governs the production of discoverable documents by the Parties during the pendency of the Action. In the event of transfer to other courts, this Stipulation will remain in effect in all respects, until adopted by the remand or transferee court or replaced by a successor Stipulation.

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4. This Stipulation shall not enlarge, reduce, or otherwise affect the proper scope of discovery in this Action, nor imply that discovery produced under the terms of this Stipulation is properly discoverable, relevant, or admissible in this or in any other litigation. Additionally, this Stipulation does not enlarge, reduce, or otherwise affect the preservation obligations of the Parties.

5. Subject to the Parties' objections and responses to requests for production of documents, all documents that are responsive and proportional to discovery requests and not designated as "privileged" shall be produced in the manner provided herein. Nothing in this Stipulation shall be deemed to limit or modify in any way the terms of a Protective Order that has been or may be entered in this Action. Nothing in this Stipulation shall be interpreted to require disclosure of materials that a Party contends are not discoverable or are protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, and/or any other privilege that may be applicable. Additionally, nothing in this Stipulation shall be deemed to waive or limit either Party's right to object to the production of certain electronically stored information, pursuant to MCR 2.302(B)(6), on the ground that the sources are not reasonably accessible because of undue burden or cost.

6. The Parties agree to promptly alert all other Parties concerning any technical problems associated with complying with this Stipulation. To the extent compliance with this stipulation imposes an undue burden with respect to any protocol, source, or search term listed herein, the Parties shall promptly confer in an effort to resolve the issue. If the Parties are unable to resolve the issue by mutual agreement after such conference, the Party seeking relief may move the Court for relief for good cause shown.

7. The Parties will attempt to resolve disputes regarding the issues set forth herein in person, in writing (including e-mail) or by telephone, prior to filing a motion with the Court. If the

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Parties are unable to resolve the dispute after a good faith effort, the Parties may apply to the Court for relief.

8. The Parties agree that the following categories of ESI are the sources most easily accessible and are the most 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;
- OneDrive Folders or Items;
- Teams, Slack, or other small message format platforms

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

- Recorded voice messages, including voicemail in the Avaya Voice Player (.lvp) or WAVE (.wav) file formats, except to the extent such voicemails are available and searchable as emails;
- 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;

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- Data from mobile devices (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.

10. The Parties agree to meet and confer to determine whether they agree that certain categories of data may not warrant preservation such as data in: Microsoft SharePoint, local storage on work computers, cellphone data and social media sites.

11. Unless a specific written exception applies, the producing Party is not 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 retained to host and facilitate the production of data in these cases.

V. PRODUCTION FORMAT

1. Hard-Copy Documents: There is no obligation to rescan paper documents that were converted to an electronic format before commencement of the litigation. Hard-Copy Documents shall be scanned with OCR, and shall be produced as black and white, Group IV 1-bit depth compression, single-page TIFF images, at not less than 300 dpi resolution with the document boundaries (BegBates, EndBates) contained in a separate load file. Reasonable efforts shall be used to scan the pages at or near their original size and so that the image appears straight and not skewed. Physically oversized originals, however, may appear reduced. In addition, reducing image size may be necessary to display Bates Numbers and Confidentiality Designations without obscuring text. In scanning paper documents, distinct documents must 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.

2. Electronic Documents: All documents, except those to be produced in native format, will be produced in TIFF or JPEG format with a load file, according to the following

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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.

- 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. Thus, the Parties agree 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:

  (i) Microsoft Excel® documents;

  (ii) Microsoft PowerPoint® presentations;

  (iii) Computer Aided Drafting (CAD) files;

  (iv) Audio files (.mp3, .wav, .ram, .ra, .mid, etc.); and

  (v) 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 will be given a file name comprised of the document's Bates Number and file extension (e.g., US0000000.xls).

- Documents produced in Native Format will be produced with a Bates-numbered TIFF image slipsheet stating the "Document has been produced in Native Format."

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- 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 were produced in an image format or contain potentially relevant embedded information, and such requests will not be unreasonably denied. Such a request must be made according to the following protocol.

- The receiving Party must provide the producing party with 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 must make this request within 56 days after receipt of the document.

- The producing Party must respond to this request within 21 days of receiving it 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.

3. Redaction of Electronic Documents: The Producing Party may redact, or remove from production, protected and/or privileged documents. The Producing Party shall convert to static image tiff any electronic document for redaction and provide these tiff files in the production along with OCR and corresponding metadata as outlined below. The tiff images shall be produced as black and white, Group IV compression, single-page TIFF images, at not less than 300 dpi resolution with the document boundaries (BegBates, EndBates).

4. Ordering: The Producing Party will take reasonable steps to produce relevant, responsive, non-privileged attachments to Electronic Documents contemporaneously and in sequential order. Thus, the Producing Party will take reasonable steps to ensure that all relevant and responsive electronic documents attached to an e-mail are to be produced contemporaneously and sequentially immediately after the parent e-mail.

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5. Printing of Produced Electronic Documents: When a Receiving Party converts to TIFF and prints any produced electronic document for internal use or reference, it must print the document with both the File Number and Confidentiality Designation. The File Number will be suffixed to reference page numbers, and the Confidentiality Designation must be pulled from the provided Confidentiality Designation field in the load file. It is the obligation of the Receiving Party to ensure that printed documents contain the necessary information.

6. Databases: If requested, the Parties shall identify and describe Databases that contain Electronic Data responsive to document requests, as well as provide a summary of the type of responsive Electronic Data in each Database. The Parties shall cooperate to produce responsive Electronic Data from any such Database in a reasonably useable production format.

7. Searchable Text: The Parties agree that they will produce extracted text for correspondingly produced Electronic Documents and Electronic Data. For redacted documents, OCR text will be provided for the non-redacted text. With respect to Hard-Copy Documents, the Parties agree to produce OCR Text for Hard-Copy Documents.

8. Metadata: For Electronic Documents, the Parties agree to produce the Metadata set forth below in a .DAT file to the extent such Metadata is available, responsive, not privileged, and are already populated in the Party's normal course. To the extent that the Parties produce in this Action any Electronic Documents produced or received in any other litigation, the Parties shall produce such Electronic Documents with the Metadata produced or received in the other litigation. Only fields with an asterisk (*) will be produced for redacted records or hard copy documents.

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Field Name	Description
ProdBeg* - for tiffed documents	Beginning bates number
ProdEnd* for tiffed documents	Ending bates number
ProdBegattach* for tiffed documents	Beginning attachment number
ProdEndattach* for tiffed documents	Ending attachment number
DocType	Type of document (*e.g.*, eMail; eMail with attachment; Attachment; eMail without attachment; Standard file)
FileName	Efile filename
Doc_Ext	*E.g.*, xls, doc, pdf
Author	Efile creator
From	Email author
To	Email field
CC	Email field
BCC	Email field
Sent Date	Email field
Received_Date	Email field
Create_Date	Efile field
Mod_ Date	Efile field
Subject	Email subject
Custodian (s)	When global deduplication is performed all custodians will be supplied
HASH	An MD5 has identification unique to each electronic document
File_Path	Link to the associated native file or tiff images
CONFID	Confidentiality Designation
Text	Extracted or OCR text depending on document type. The full text of records will be produced as separate document level text files.

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9. Embedded Objects. 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, will not be extracted as separate documents nor produced.

10. 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.

VI. PRODUCTION SPECIFICATIONS

1. Generally: The Parties will cooperate to ensure that the logistics of production are efficient and economical, including production media, Document Numbering, Load Files and general organization of produced documents. Productions will be delivered in the following load file formats:

A. File Path Load File – .OPT or .LFP file

B. Metadata load file – .DAT file using the standard Concordance delimiters and including fielded data from above chart.

C. Full Extracted or OCR (searchable) Text of Documents – Document level text files named to match the starting file number of the corresponding document. Text files will all be saved to separate directory on production media named "Full Text."

D. Native files will all be saved to separate directory on production media named "Natives."

2. De-duplication: The Parties will make reasonable efforts to de-duplicate Electronic Documents globally and will provide an accompanying field identifying all custodians of de-duplicated copies.

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3. Production Media: Documents and Electronic Data shall be produced on a hard drive, CD, DVD, via a shared OneDrive link, MOVEit, or another mutually agreeable media storage device or file transfer protocol.

4. Production Costs: Each Party shall bear the cost of its own production. In the event, however, a Party requests the production of cumulative or repetitive information or information that otherwise imposes an undue burden or is from a source that is not reasonably accessible due to undue burden or cost, the Producing Party may object. Upon objection, the Parties shall work in good faith to resolve the issue, for instance by producing samples or summaries of such documents. In the event the Parties are unable to resolve their differences, the Parties may proceed consistent with the Michigan Court Rules.

VII. INADVERTENT PRODUCTION OF PRIVILEGED DOCUMENTS

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.

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

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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.

VIII. SEARCH TERM LIST – CULLING ESI

In order to reduce the overall volume of documents for review, that parties have agreed to the utilization of search terms for the accumulation of documents contained within Electronic Data.

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For each set of documents propounded by a Receiving Party, if so requested by the Producing Party, the Receiving Party shall provide a reasonable set of search terms to be run across the larger set of collected records. A "search term report" will be generated from the set of search terms provided by the Receiving Party. This report will be shared to identify over-broad or irrelevant terms and if necessary, the Parties will work in good faith to make changes to the search term list.

IX. MODIFICATION

Variations from this ESI Protocol may be required. Any practice or procedure set forth herein may be varied by agreement by the Parties, which will be confirmed in writing. The Parties agree that in the event that they cannot agree to a specific modification, any affected party may request the Court's assistance to resolve such dispute.

STIPULATED AND APPROVED FOR ENTRY BY:

Dated: March 9, 2026

/s/ Kim Breitmeyer (w/permission)
Kim Breitmeyer (P60678)
Kami Trescone (P83048)
Michigan Department of Attorney General
Attorneys for Defendants

Dated: March 9, 2026

/s/ Melissa A. Hagen (w/permission)
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Dated: March 9, 2026

/s/ Zachary C. Larsen
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Dated: March 9, 2026

/s/ Jason Hanselman (w/permission)
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Michigan Manufactured Housing Association
Attorney for Plaintiff MMHA

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ORDER

At a session of said Court held in the
City of Grand Rapids, County of Kent, State of Michigan, on
the 12th day of March, 2026.

PRESENT: HON. JAMES ROBERT REDFORD
Michigan Court of Claims

This matter having come before the Court upon stipulation of the Parties and this Court being otherwise advised in the premises:

IT IS HEREBY ORDERED that this Stipulated Order Regarding the Protocol for Electronically Stored Information is **GRANTED**.

IT IS SO ORDERED.

THIS IS NOT A FINAL ORDER AND DOES NOT CLOSE THE CASE.

James Robert Redford

Honorable James Robert Redford
Michigan Court of Claims

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