

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UMG RECORDINGS, INC, <i>et al.</i> ,	§	
	§	
Plaintiffs,	§	
	§	
vs.	§	CASE NO. 4:06-CV-860-Y
	§	ECF
DOES 1-10,	§	
	§	
Defendants.	§	
	§	

STIPULATION TO PROTECTIVE ORDER

In connection with Plaintiffs' inspection of David Greubel's ("Mr. Greubel") computer hard drive under Fed. R. Civ. P. 34, the parties hereby stipulate and agree as follows:

1. Subject to the limitations agreed upon by the Parties below, Mr. Greubel shall make his computer hard drive available for imaging by a neutral expert on or before June 18, 2007.
2. A neutral expert in computer forensics selected by the parties shall make two (2) verified bit-images (i.e., mirror image copies) of the computer hard drive and shall create an MD5 or equivalent hash code to ensure that the copies of Mr. Greubel's hard drive are exact duplicates of Mr. Greubel's original hard drive as it exists as of the imaging date.
3. One copy of the computer hard drive shall be held by the agreed-upon neutral expert (the "Escrowed Image"). The second copy shall be given to Mr. Greubel's counsel for privilege review, along with a complete list of all files on the hard drive, from which to conduct a privilege review. Following examination by Mr. Greubel's counsel for privilege, Mr. Greubel's counsel shall produce a privilege log to Plaintiffs and the parties shall meet and confer to resolve any disputes over Mr. Greubel's claims of privilege.

4. After resolution of any disputes concerning Mr. Greubel's assertions of privilege, Plaintiffs shall have access to a cloned copy of the Escrowed Image of the hard drive, minus the files as to which privilege has been asserted, in order to conduct a forensic inspection for information relevant to the allegations in Plaintiffs' Complaint for Copyright Infringement. The agreed-upon neutral expert shall remove privileged files from the cloned copy in a manner such that they cannot be recovered before providing it to Plaintiffs and affirm to Mr. Greubel's counsel that it has done so prior to conveying the cloned copy to Plaintiffs.

5. Plaintiffs shall bear all costs associated with the neutral expert and their own forensic expert.

6. Plaintiffs' computer forensic expert may examine the cloned copy of Mr. Greubel's hard drive for evidence of file-sharing activity and to determine the person or persons responsible for such activity. Such information includes without limitation evidence indicating the use of file-sharing programs on the computer; evidence that sound recordings, including plaintiffs' copyrighted works, were downloaded to or uploaded from the computer through a file-sharing program; evidence that copies of downloaded sounds recordings reside or have resided on the computer; evidence of potential spoliation; evidence of the user name at issue in this case or any derivative of the user name; evidence of any discussions regarding file-sharing; and evidence regarding who used the computer to engage in file sharing. Plaintiffs' computer forensic expert may designate assistants ("Assistants") to help complete the forensic inspection of Mr. Greubel's hard drive. Neither the Plaintiffs nor their expert shall methodically search and review every document remaining on the hard drive for relevance, but shall use methodologies to search only for matters relevant to the litigation.

7. No one aside from Mr. Greubel, Mr. Greubel's legal counsel (including such counsel's partners, associates, and employees working on this matter), Plaintiffs' legal counsel (including such counsel's partners, associates, and employees working on this matter), Plaintiffs' expert (including Assistants), the Court, and qualified court reporters shall have access to the information on the cloned copy of the Escrowed Image of Mr. Greubel's computer, and the information on the cloned copy of the Escrowed Image of Mr. Greubel's computer shall be used only for purposes of this lawsuit.

8. After final resolution of this case, including all appeals, all images of Mr. Greubel's hard drive shall be destroyed and the destruction of such images shall be confirmed to the satisfaction of Mr. Greubel.

Dated: June 11, 2007.

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