

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re

CITY OF DETROIT, MICHIGAN,

Debtor.

No. 13-53846

Chapter 9

HON. STEVEN W. RHODES

**STIPULATION AND AGREEMENT REGARDING
ELECTRONICALLY STORED INFORMATION AND RESPONSE
TO THE APRIL 11, 2014 SUBPOENA BETWEEN THE OFFICIAL
COMMITTEE OF RETIREES AND THE STATE OF MICHIGAN**

THE PARTIES STIPULATE AND AGREE, through their attorneys, to the following definitions, limitations, and modifications with respect to the Retiree Committee's subpoena (Dkt #4051). The parties stipulate as follows:

1. The parties will be permitted to use reasonable keyword and other automated search techniques to identify responsive Electronically Stored Information ("ESI") for production.

2. The term "Governor" identified under 6.f. in the instructions and definitions section of the subpoena shall mean the Office of the Governor proper and the Michigan Department of Treasury. The term "Governor" does not include the Governor's cabinet members, other

Agencies, Departments, or Divisions of the State of Michigan and such shall not be searched for responsive documents.

3. Upon information and belief, the persons that are likely to have the most relevant and responsive documents and communications from the Governor's Office and the Michigan Department of Treasury are:

- a. Rick Snyder;
- b. Dennis Muchmore, Chief of Staff to Governor;
- c. John Roberts, Former Deputy Chief of Staff;
- d. Greg Tedder, Assistant to the Governor;
- e. Michael Gadola, Legal Counsel to Governor;
- f. Valerie Brader, Deputy Counsel to Governor;
- g. Dick Posthumus, Senior Advisor to Governor;
- h. R. Kevin Clinton, State Treasurer;
- i. Maureen Doyle, Assistant to State Treasurer;
- j. Thomas Saxton, Chief Deputy Treasurer;
- k. Beth Pleyte, Assistant to Chief Deputy Treasurer;
- l. Fred Headen, Legal Counsel to Treasurer;
- m. Andy Dillon, former State Treasurer

The parties agree that the State is not required to search for responsive ESI from persons other than those identified in paragraph 3 of this Agreement.

4. Upon information and belief, the most likely sources of responsive communications and documents are:
 - a. Email communications from the State issued email addresses of the persons identified in paragraph 3 of this Agreement;
 - b. Files that are electronically stored by the persons identified in paragraph 3 of this Agreement on the network of the State of Michigan; and
 - c. Documents in any paper filing systems maintained by the persons identified in paragraph 3 of this Agreement.

The parties agree that the State is not required to search for responsive documents or communications from sources other than those identified in paragraph 4 of this Agreement.

5. The parties agree to extend the deadline to respond to the subpoena to May 9, 2014, with documents being provided on a rolling basis as they are available for production.

6. ESI shall be produced on CDs, DVDs, or portable USB hard drive, organized by custodian or as kept in the ordinary course of business, not corresponding to request numbers.

7. The State will make reasonable efforts to eliminate duplicate documents and files before production, such as through the use of automated deduplication processes.

8. Pursuant to Fed. R. Evid. 502(d), the production of a privileged or work-product protected documents whether inadvertent or otherwise, is not a waiver of any privilege or any protection from discovery in this case or in any other federal or state proceeding. For example, the mere production of privileged or work-product-protected documents in this case as part of a mass production is not itself a waiver in this case or in any other federal or state proceeding. Any such documents inadvertently produced shall be returned to the producing party and no copies shall be made, retained, or disseminated.

9. By entering into this Stipulation, the State of Michigan does not waive any privilege, confidentiality, or objection not otherwise addressed by this Agreement.

/s/ Matthew Schneider
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Dated: April 22, 2014

/s/ Sam J. Alberts
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Dated: April 23, 2014