

UNITED STATES DISTRICT COURT

for the

Central District of California

In re TOYOTA MOTOR CORP., etc.

Plaintiff

v.

Defendant

Civil Action No. 8:10-ML-02151 JVS

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Betsy Benjaminson, served pursuant to the attached Court order

(Name of person to whom this subpoena is directed)

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Table with 2 columns: Place (Skadden, Arps, Slate, Meagher & Flom LLP, 300 South Grand Avenue, Suite 3200, Los Angeles, California 90071) and Date and Time (August 20, 2014, 9:00 a.m.)

The deposition will be recorded by this method: Video, audio, and real time stenographic recording

Production: You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material: See attachment A

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: June 24, 2014

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Handwritten signature of attorney

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Toyota Motor Sales, U.S.A., Inc. & Toyota Motor Corporation, who issues or requests this subpoena, are: Thomas J. Nolan, 300 S. Grand Ave., Ste. 3400, Los Angeles, CA 90071, thomas.nolan@skadden.com, 213-687-5000

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 8:10-ML-02151 JVS

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

I served the subpoena by delivering a copy to the named individual as follows: _____
_____ on *(date)* _____ ; or

I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties In Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

1 THOMAS J. NOLAN (CA SBN 66992)
Thomas.Nolan@skadden.com
2 LISA GILFORD (CA SBN 171641)
Lisa.Gilford@skadden.com
3 **SKADDEN, ARPS, SLATE, MEAGHER
& FLOM LLP**
4 300 South Grand Avenue
Los Angeles, CA 90071-3144
5 Telephone: (213) 687-5000
Facsimile: (213) 687-5600
6

7 *Lead Defense Counsel for Economic Loss
Cases*

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 SOUTHERN DIVISION

11 IN RE: TOYOTA MOTOR CORP.
UNINTENDED ACCELERATION
12 MARKETING, SALES
PRACTICES, AND PRODUCTS
13 LIABILITY LITIGATION

CASE NO.: 8:10ML02151 JVS (FMOx)
ATTACHMENT A TO BENJAMINSON
SUBPOENA

14 This document relates to:
15 ALL CASES
16

1 **ATTACHMENT A**

2 Pursuant to 28 U.S.C. § 1783(a), and by order of the Court in the above-
3 captioned litigation, Toyota Motor Corporation and Toyota Motor Sales, U.S.A., Inc.
4 hereby request that Betsy Benjaminson permit inspection and copying of the
5 following documents or categories of documents in accordance with the Definitions
6 and Instructions below. The production, inspection and copying shall take place
7 within thirty (30) days after service of this subpoena, and continuing so long as
8 reasonably required, at the offices of Skadden, Arps, Slate, Meagher & Flom, LLP,
9 300 South Grand Avenue, Los Angeles, California 90071, unless otherwise agreed
10 by the parties.

11 **DEFINITIONS**

12 1. The terms “YOU,” “YOUR,” or “YOURSELF” shall mean and refer to
13 Betsy Benjaminson, and any of her agents, attorneys, accountants, representatives,
14 investigators, or any person acting on or purporting to act on her behalf.

15 2. The terms “PERSON” or “PERSONS” shall mean and refer to any
16 natural person, corporation, company, partnership, sole proprietorship, association,
17 institute, joint venture, firm, governmental body, or other entity, for profit or not for
18 profit, whether privately held or publicly owned or controlled or partially or fully
19 governmentally owned or controlled.

20 3. The term “TOYOTA” shall mean and refer collectively to Toyota Motor
21 Corporation (“TMC”) and Toyota Motor Sales, U.S.A., Inc. (“TMS”), as well as
22 their affiliated companies and any agents, employees, attorneys, accountants,
23 representatives, investigators, or any person acting on TMC’s or TMS’s behalf.

24 4. The term “COMMUNICATIONS” shall mean and refer to the
25 transmittal of information (in the form of facts, opinions, thoughts, ideas, inquiries or
26 otherwise), orally, in writing, electronic, or in any other form.
27 COMMUNICATIONS shall include transmittal of information to any online file-
28 sharing services or accounts.

1 5. As used herein, "DOCUMENT" or "DOCUMENTS" shall mean and
2 refer to all responsive things. Among the DOCUMENTS requested are, inter alia,
3 written, recorded, or graphic materials of any kind, whether prepared by Plaintiff or
4 any other persons, including, without limitation, tape or other forms of audio, visual,
5 or audio/visual recordings, drawings, films, graphs, charts, photographs, phone
6 records, and retrievable data, whether in computer storage, carded, punched, taped,
7 coded, or stored electronically, electromagnetically, or otherwise. Without limiting
8 the generality of the foregoing, "document" specifically includes all contracts, things,
9 agreements, forms, correspondence, letters, telegrams, telephone messages, e-mail
10 messages, notices, notes, memoranda, records, reports, diaries, minutes, statements,
11 worksheets, summaries, books, journals, ledgers, audits, maps, diagrams, graphs,
12 newspapers, appointment books, desk calendars, notes or summaries of personal
13 interviews or conversations, messages (including, but not limited to, reports of
14 telephone conversations and conferences), computer disks, acknowledgements,
15 telexes, telecopies, and all other written or printed matter of any kind, and all other
16 data compilations from which information can be obtained and translated, if
17 necessary. A non-identical copy is a document originally identical in all respects to
18 another document but no longer identical by virtue of any notation, modification, or
19 attachment of any kind.

20 6. As used herein, "NATIVE FILE(S)" shall mean and refer to
21 electronically stored information in the electronic format of the application in which
22 such electronically stored information is normally created, viewed, and/or modified.

23 7. As used herein, "METADATA" shall mean and refer to (i) information
24 embedded in a Native File that is not ordinarily viewable or printable from the
25 application that generated, edited, or modified such Native File; and (ii) information
26 generated automatically by the operation of a computer or other information
27 technology system when a Native File is created, modified, transmitted, deleted, or
28 otherwise manipulated by the user of such system.

1 8. As used herein, the “BOOKOUT CASE” shall mean and refer to the
2 litigation captioned *Jean Bookout et al. v. Toyota Motor Corporation, et al.*, Case No.
3 CJ-2008-7969 (District Court of Oklahoma County, State of Oklahoma).

4 9. As used herein, “BARR” shall mean and refer to Michael Barr, an
5 individual, and his agents, attorneys, accountants, representatives, investigators, or
6 any person acting on or purporting to act on her behalf.

7 10. As used herein, “BARR POWERPOINT” shall mean and refer to any
8 and all versions, whether hard copy or electronic, in whatever file format, of the slide
9 presentation entitled “2005 Camry L4 Software Analysis” (or bearing any other title)
10 prepared by BARR in connection with the BOOKOUT CASE.

11 11. As used herein, “TECHNOVATE” shall mean and refer to Technovate,
12 Inc., the provider of translation services headquartered in Toronto, ON Canada, as
13 well as its agents, employees, attorneys, accountants, representatives, or any person
14 acting on or purporting to act on its behalf.

15 12. As used herein, “LSI” shall mean and refer to Linguistic Systems, Inc.,
16 the provider of translation services headquartered in Cambridge, MA, U.S.A., as well
17 as its agents, employees, attorneys, accountants, representatives, or any person acting
18 on or purporting to act on its behalf.

19 13. As used herein, the “PROTECTIVE ORDER” shall mean and refer to
20 the First Amended Protective Order issued by the Court in the above captioned
21 litigation on January 19, 2011 (Docket Number 627).

22 14. As used herein, the “SOURCE CODE PROTECTIVE ORDER” shall
23 mean and refer to the First Amended Stipulated Protective Order Governing the
24 Exchange and Handling of Source Code and Source Code Related Material issued by
25 the Court in the above captioned litigation on November 16, 2011 (Docket Number
26 1980).

27

28

1 15. As used herein, the "COURT'S PROTECTIVE ORDERS" shall mean
2 and refer to the PROTECTIVE ORDER and the SOURCE CODE PROTECTIVE
3 ORDER collectively.

4 16. As used herein, the terms "relate" or "relating to" means evidencing,
5 memorializing, referring to, constituting, containing, discussing, describing,
6 embodying, referencing, reflecting, identifying, mentioning, stating, or otherwise
7 pertaining to or regarding in any way, in whole or in part, the subject matter referred
8 to in the Request for Production.

9 **INSTRUCTIONS**

10 1. Each request for documents seeks production of all DOCUMENTS
11 described, along with any attachments and drafts, in the possession, custody or
12 control of YOU or YOUR agents or attorneys.

13 2. Each request for production contemplates production of the responsive
14 materials in their entirety, without abbreviation or expurgation.

15 3. Each request for DOCUMENTS and COMMUNICATIONS seeks the
16 production of METADATA for each and every DOCUMENT and
17 COMMUNICATION produced, including each and every of the metadata and
18 coding fields set forth in Appendix 1.

19 4. Whenever a requested DOCUMENT has ceased to exist, specify for
20 each such DOCUMENT: (a) the type of document; (b) the information contained
21 therein; the date on which such document ceased to exist; (c) the date on which such
22 document ceased to exist; and (d) the circumstances under which such document
23 ceased to exist. Also, identify each PERSON having knowledge of the
24 circumstances under which the document ceased to exist and each person having
25 knowledge of the document's contents.

26 5. If any request is objected to on grounds of over breadth, respond to the
27 request as narrowed to conform to your objection.

28

1 6. These requests are deemed to be continuing to the extent provided
2 pursuant to Rule 26(e) of the Federal Rules of Civil Procedure and all applicable
3 laws. Accordingly, it is your duty to supplement your responses if any additional
4 information responsive to these requests is discovered by YOU or anyone acting on
5 YOUR behalf.

6 **REQUESTS FOR PRODUCTION**

7 REQUEST FOR PRODUCTION NO. 1:

8 All DOCUMENTS referring or relating to TOYOTA.

9 REQUEST FOR PRODUCTION NO. 2:

10 All COMMUNICATIONS between YOU and BARR.

11 REQUEST FOR PRODUCTION NO. 3:

12 All versions of the BARR POWERPOINT, in NATIVE format, with
13 METADATA intact.

14 REQUEST FOR PRODUCTION NO. 4:

15 All COMMUNICATIONS that refer or relate to the BARR POWERPOINT.

16 REQUEST FOR PRODUCTION NO. 5:

17 All COMMUNICATIONS between YOU and Junko Yoshida.

18 REQUEST FOR PRODUCTION NO. 6:

19 All COMMUNICATIONS between YOU and Sean Kane.

20 REQUEST FOR PRODUCTION NO. 7:

21 All COMMUNICATIONS between YOU and Dr. Michael Pecht.

22 REQUEST FOR PRODUCTION NO. 8:

23 All COMMUNICATIONS between YOU and Dr. Anthony Anderson.

24 REQUEST FOR PRODUCTION NO. 9:

25 All COMMUNICATIONS between YOU and Dr. Todd Hubing.

26 REQUEST FOR PRODUCTION NO. 10:

27 All COMMUNICATIONS between YOU and Geoff Barrance.

28

1 REQUEST FOR PRODUCTION NO. 11:

2 All COMMUNICATIONS between YOU and Dr. Gordon Davy.

3 REQUEST FOR PRODUCTION NO. 12:

4 All COMMUNICATIONS between YOU and Dr. Raj Rajkumar.

5 REQUEST FOR PRODUCTION NO. 13:

6 All COMMUNICATIONS between YOU and Dr. Ron Belt.

7 REQUEST FOR PRODUCTION NO. 14:

8 All COMMUNICATIONS between YOU and Dr. David Gilbert.

9 REQUEST FOR PRODUCTION NO. 15:

10 All COMMUNICATIONS between YOU and Neil Hannemann.

11 REQUEST FOR PRODUCTION NO. 16:

12 All COMMUNICATIONS between YOU and Bill Rosenbluth.

13 REQUEST FOR PRODUCTION NO. 17:

14 All COMMUNICATIONS between YOU and Eur Ing Keith Armstrong.

15 REQUEST FOR PRODUCTION NO. 18:

16 All COMMUNICATIONS between YOU and Dr. Michel Mardiguan.

17 REQUEST FOR PRODUCTION NO. 19:

18 All COMMUNICATIONS between YOU and Randy Whitfield.

19 REQUEST FOR PRODUCTION NO. 20:

20 All COMMUNICATIONS between YOU and Dr. Henning Leidecker.

21 REQUEST FOR PRODUCTION NO. 21:

22 All COMMUNICATIONS between YOU and Dr. Norman Helmold.

23 REQUEST FOR PRODUCTION NO. 22:

24 All COMMUNICATIONS between YOU and J. Cole Portis of the law firm
25 Beasley Allen PC.

26 REQUEST FOR PRODUCTION NO. 23:

27 All COMMUNICATIONS between YOU and Ben Baker of the law firm
28 Beasley Allen PC.

1 REQUEST FOR PRODUCTION NO. 24:

2 All COMMUNICATIONS between YOU and any other partner, member,
3 employee, or agent of the law firm Beasley Allen PC.

4 REQUEST FOR PRODUCTION NO. 25:

5 All COMMUNICATIONS between YOU and TECHNOVATE.

6 REQUEST FOR PRODUCTION NO. 26:

7 All agreements and contracts between YOU and TECHNOVATE.

8 REQUEST FOR PRODUCTION NO. 27:

9 All COMMUNICATIONS between YOU and LSI.

10 REQUEST FOR PRODUCTION NO. 28:

11 All agreements and contracts between YOU and LSI.

12 REQUEST FOR PRODUCTION NO. 29:

13 All DOCUMENTS YOU obtained from TECHNOVATE in connection with
14 any case, controversy, litigation, or other matter involving TOYOTA.

15 REQUEST FOR PRODUCTION NO. 30:

16 All DOCUMENTS YOU obtained from LSI in connection with any case,
17 controversy, litigation, or other matter involving TOYOTA.

18 REQUEST FOR PRODUCTION NO. 31:

19 All DOCUMENTS YOU obtained from any other source in connection with
20 any case, controversy, litigation, or other matter involving TOYOTA.

21 REQUEST FOR PRODUCTION NO. 32:

22 All DOCUMENTS YOU accessed, regardless of whether YOU were
23 authorized to do so, in connection with YOUR work for TECHNOVATE on any
24 case, controversy, litigation, or other matter involving TOYOTA.

25 REQUEST FOR PRODUCTION NO. 33:

26 All DOCUMENTS YOU accessed, regardless of whether YOU were
27 authorized to do so, in connection with YOUR work for LSI on any case,
28 controversy, litigation, or other matter involving TOYOTA.

1 REQUEST FOR PRODUCTION NO. 34:

2 All DOCUMENTS YOU accessed, regardless of whether YOU were
3 authorized to do so, in connection with YOUR work for any other entity on any case,
4 controversy, litigation, or other matter involving TOYOTA.

5 REQUEST FOR PRODUCTION NO. 35:

6 All COMMUNICATIONS transmitting any DOCUMENT referring or
7 relating to TOYOTA.

8 REQUEST FOR PRODUCTION NO. 36:

9 All COMMUNICATIONS transmitting any DOCUMENT authored by
10 TOYOTA.

11 REQUEST FOR PRODUCTION NO. 37:

12 All DOCUMENTS bearing a bates number or other litigation-related label at
13 the bottom, indicating production in litigation involving TOYOTA.

14 REQUEST FOR PRODUCTION NO. 38:

15 All blog posts, blog comments, and posts to online discussion forums authored
16 by YOU that refer or relate to TOYOTA.

17 REQUEST FOR PRODUCTION NO. 39:

18 All unique versions and drafts of the book proposal described at
19 <https://www.indiegogo.com/projects/toyota-s-kimono-revealing-the-truth-about-sua>.

20 REQUEST FOR PRODUCTION NO. 40:

21 All DOCUMENTS that refer or relate to the BOOKOUT CASE.

22 REQUEST FOR PRODUCTION NO. 41:

23 All DOCUMENTS that refer or relate to the American Translators Association.

24 REQUEST FOR PRODUCTION NO. 42:

25 All COMMUNICATIONS between YOU and anyone associated with the
26 American Translators Association.

27

28

1 REQUEST FOR PRODUCTION NO. 43:

2 All DOCUMENTS, including drafts, evidencing any remarks, speeches, or
3 other presentations YOU will present at the American Translators Association's 55th
4 Annual Conference in Chicago, Illinois.

5 REQUEST FOR PRODUCTION NO. 44:

6 All DOCUMENTS, including drafts, evidencing any remarks, speeches, or
7 other presentations YOU will present or have presented in any other forum that relate
8 or refer to TOYOTA.

9 REQUEST FOR PRODUCTION NO. 45:

10 All DOCUMENTS sufficient to identify the physical locations where YOU
11 store any DOCUMENT that was authored by TOYOTA or that refers or relates to
12 TOYOTA.

13 REQUEST FOR PRODUCTION NO. 46:

14 All DOCUMENTS sufficient to identify the URLs, websites, or other online
15 locations where YOU store any DOCUMENT that was authored by TOYOTA or
16 that refers or relates to TOYOTA.

17
18
19
20
21
22
23
24
25
26
27
28

Appendix 1
ESI Metadata and Coding Fields

Field Name	Description of Field
BegBates	Beginning document number
EndBates	Ending document number
BegAttach	Beginning document number of family unit
EndAttach	Ending document number of family unit
Custodian	Individual from whom the document originated
Page Count	Total number of pages in the document
Attachment Count	Number of attachments, same as family count
Author	Author field extracted from the metadata of the Native File
From	Sender of the e-mail
Recipient(s)	Recipient(s) of the e-mail message (To)
CC	Recipient(s) of "carbon copies" of the e-mail message
BCC	Recipient(s) of "blind carbon copies" of the e-mail message
Subject	Subject field extracted from the metadata of the Native File
Sent Date	Date the e-mail message was sent (produced in "MM/DD/YYYY" format)
Sent Time	Time the e-mail message was sent (produced in "HH:MM" military time format)
File Type	Mail, attachment, individual file
File Extension	File extension of document (.msg, .doc, .xls, etc.)
File Name	Name of original file
File Size	File size in Kilobytes (MB, KB, GB)
Title	Title of a non-email document (Microsoft Title field)
Hash Value	MD5 or SHA-1 Hash Value, unique document identifier
NativeLink	Relative file path to each Native File on production media
Date Created	The date the document was created (for email attachments and loose files).
Time Created	The time the document was created (for non-emails, including email attachments, standardized to PST).
Date Last Modified	The date the document was last modified. (for non-emails, including email attachments, in "MM/DD/YYYY" format)
Time Last Modified	The time the document was last modified (for non-emails, including email attachments, standardized to PST).
Last Modified By	For Microsoft docs
Comments	For Microsoft docs
GroupID	An alphanumeric identifier used to connect parent emails with their respective attachments. Each family should have a unique GroupID. Within a family, parent emails and attachments should be populated with the same value.
Folder [or File Path]	The folder from which an email message was extracted (e.g., Inbox, Deleted Items, Sent Items, etc.) or the data source folder for attachments and loose files (e.g., My Documents).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

File Path [or Folder]	Original file path showing where the document was kept in the "ordinary course of business"
-----------------------	---

**ATTACHMENT
COURT ORDER**

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. **8:10ML2151 JVS (FMOx)** Date **May 19, 2014**

Title **IN RE: TOYOTA MOTOR CORP. UNINTENDED
ACCELERATION MARKETING, SALES PRACTICES,
AND PRODUCTS LIABILITY LITIGATION**

Present: The Honorable **James V. Selna**

Karla J. Tunis

Deputy Clerk

Deborah Parker

Court Reporter

Attorneys Present for Plaintiffs:

**Donald Slavik / Atticus Wegman
Moses Lebovits**

Attorneys Present for Defendants:

**Lisa Guilford / Thomas Nolan
Kevin Minnick**

Proceedings: **Defendants' Motion for (I) Confirmation that the Attorney-Client and Work Product Privileges Remain in force as to Documents that Were Stolen and Illegally Disseminated; (ii) Enforcement of Protective Orders; and (iii) Limited Discovery as to the Disclosure of Certain Documents in Violation of the Protective Orders (Dkt. No. 4561)**

**Defendants' Motion to Close Hearing on May 19, 2014
(Dkt. No. 4592)**

Cause called and counsel make their appearances. The Court DENIES the defendant's Motion to Close the hearing today and states its findings for the record.

The Court's tentative ruling is issued. The Court GRANTS the defendant's Motion for (I) Confirmation that the Attorney-Client and Work Product Privileges Remain in force as to Documents that Were Stolen and Illegally Disseminated; (ii) Enforcement of Protective Orders; and (iii) Limited Discovery as to the Disclosure of Certain Documents in Violation of the Protective Orders and rules in accordance with the tentative ruling as follows:

This matter is before the Court on the Motion of the Toyota Defendants ("Toyota") to confirm the applicability of privilege as to certain documents, to enforce the Protective Order, and for certain Limited Discovery into the disclosure of certain documents produced in the present litigation by a non-party. (Docket No. 4561.) Plaintiffs have filed a Response and Opposition ("Response") thereto, and Toyota has filed a Reply

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. **8:10ML2151 JVS (FMOx)** Date **May 19, 2014**

Title **IN RE: TOYOTA MOTOR CORP. UNINTENDED
ACCELERATION MARKETING, SALES PRACTICES,
AND PRODUCTS LIABILITY LITIGATION**

brief. (Docket Nos. 4587 & 4596.)

As set forth herein, the Court grants the Motion.

More specifically, with the present Motion, Toyota seeks three specific types of relief. First, Toyota seeks an order confirming that all documents listed on Exhibit A of its Motion remain privileged notwithstanding the fact that these documents were stolen and posted on the online file-sharing website Dropbox. Second, Toyota seeks an order confirming that documents listed on Exhibit B of its Motion are confidential and subject to the protective orders entered by the Court in this action. Third and finally, Toyota seeks an order authorizing discovery on the limited issue of how documents containing highly confidential information and Toyota source code information were obtained and illegally posted on the Dropbox website.

The Court's inherent authority includes the power to ensure obedience with its orders, including protective orders. See Aloe Vera of Am., Inc. v. United States, 376 F.3d 960, 964-65 (9th Cir. 2004); Westinghouse Elec. Corp. v. Newman & Holtzinger, P.C., 992 F.2d 932, 934 (9th Cir. 1993).

Plaintiffs do not oppose Toyota's first two requests for relief.¹ (Response at 2.) For that reason, and because the Court deems it necessary to enforce the relevant protective orders, the Court orders that:

1. Toyota's attorney-client and work-product privileges remain in force for the Privileged Documents that were stolen and illegally posted on Dropbox, listed in Exhibit A of its Motion.
2. This Court determines that its Protective Order and Source Code Protective Order have been violated, and continue to be violated, as evidenced by the presence on Betsy Bejaminson's Dropbox Account, of (a) privileged

¹ Plaintiffs disagree whether a certain document contains source code information, but resolution of this issue is not relevant to the present Motion.

I hereby attest and certify on 05-29-14
that the foregoing document is a full, true
and correct copy of the original on file in
my office, and in my legal custody.

CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
Marie Louise
DEPUTY CLERK

