

[Date]

[Recipient Name]

[Recipient Title]

[Company/Firm Name]

[Address Line 1]

[City, State, Zip Code]

Re: Confirmation of Digital Evidence and Electronic Discovery Protocols
Case Name/Matter No: [Insert Matter Name/Number]

Dear [Recipient Name],

This letter serves to confirm the agreement reached between [Company Name/Party A] and [Company Name/Party B] regarding the preservation, collection, and production of digital evidence and Electronically Stored Information (ESI) for the above-referenced matter.

1. Preservation Obligations

Both parties confirm that a legal hold has been implemented. This includes the suspension of routine data deletion policies for all relevant custodians, servers, and storage devices associated with this matter.

2. Scope of Discovery

The parties have agreed that the following data sources are subject to discovery:

- [List Source: e.g., Corporate Email Accounts]
- [List Source: e.g., Mobile Device Messaging]
- [List Source: e.g., Cloud Storage/Shared Drives]

3. Production Format

Unless otherwise specified, all ESI shall be produced in the following format:

- Image Files: [e.g., Single-page TIFFs or PDFs]
- Metadata: [e.g., Concordance-ready .DAT or .CSV load files]
- Native Files: [e.g., Excel, Audio, or Video files to be produced in native format]

4. De-Duplication and Filtering

The parties agree to use [Global/Custodian] de-duplication. Furthermore, the following date range and keywords have been agreed upon for filtering purposes:

- Date Range: [Start Date] to [End Date]
- Keywords: [List specific search terms]

5. Privilege and Clawback

The production of any privileged or work-product protected ESI shall not constitute a waiver of privilege, provided that the producing party notifies the receiving party promptly upon discovery of the inadvertent production.

Please sign and return a copy of this letter to acknowledge your agreement to these protocols.

Sincerely,

[Your Name]

[Your Title]

[Your Law Firm/Company]

Acknowledgment:

[Recipient Signature]

Date: _____