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July 2, 2021

VIA ECF

Honorable Karen M. Williams
Mitchell H. Cohen Building & U.S. Courthouse, 5C
4th & Cooper Streets, Room 1050
Camden, NJ 08101

Re: Donald Dunn & Nicole Dunn v. PHH Mortgage Corporation
Civil Action No.: 1:20-cv-05848 (RBK)(KMW)

Dear Judge Williams:

Pursuant to Your Honor's Order as set forth during the Initial Court Conference held on June 17, 2021, the Parties conferred on June 29, 2021 regarding a protocol concerning Electronically Stored Information ("ESI"). Since the document discovery in the near term will be less comprehensive, the Parties have agreed to the attached ESI Protocol. When discovery proceeds on a class basis, the parties will negotiate a more comprehensive protocol. Accordingly, the Parties respectfully submit the attached ESI Protocol for Your Honor's consideration.

Separately, the parties seek clarification of the Scheduling Order, entered June 21, 2021, following a conference held before Your Honor on June 17, 2021. During the conference, Your Honor ordered that discovery as to the individual plaintiffs, Donald Dunn and Nicole Dunn, shall proceed before class discovery.

Following the conference, Your Honor entered an Order that states as follows: "Pretrial fact discovery as to the individual defendants shall be completed by 10/29/2021." (Dkt. 31) (emphasis added). The parties both assume that this is a typographical error and that it should read "individual plaintiffs" and respectfully request that the phrase "individual plaintiffs" be substituted in place of "individual defendants."

If Your Honor has questions for the parties with respect to this letter, please contact the undersigned.

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Respectfully submitted,

**COHN LIFLAND PEARLMAN
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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DONALD DUNN and NICOLE DUNN, on behalf
of themselves and all others similarly situated,

Plaintiff,

v.

PHH MORTGAGE CORPORATION d/b/a PHH
MORTGAGE SERVICES,

Defendant.

Civ. Case No.: 20-5848(RBK/KMW)

**AGREEMENT REGARDING
DISCOVERY OF ELECTRONICALLY
STORED INFORMATION AND
PROPOSED ORDER**

Pursuant to the Court's Order that the Parties proceed first with pre-trial discovery as to the individual Plaintiffs, with discovery related to putative class issues to follow at a later stage of this matter, the Parties hereby stipulate to the following provisions regarding the discovery of electronically stored information ("ESI") in this matter:

The parties shall take reasonable steps to preserve their electronically stored information ("ESI"). In response to appropriate document requests, the parties will conduct a reasonable, targeted search of their ESI and will, at this time, produce documents as bates-stamped PDF files or, in the event that such production is not practicable for certain specific documents, native files. The parties will follow the applicable Federal Rules of Civil Procedure regarding the return or destruction, upon request, of all copies of inadvertently produced documents that are subject to the attorney-client privilege, attorney work product protection, or other privilege. The parties anticipate that each will bear its own costs associated with a reasonable, proportional search and production but reserve the right to seek an order from the Court shifting the cost of

production if warranted. The parties will meet and confer regarding any further electronic discovery matters that may arise as required by Federal Rule of Civil Procedure 37(a)(1) and Local Rule 37.1(a)(1).

DATED: July 2, 2021

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SO ORDERED

DATED: Camden, New Jersey

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Karen M. Williams
U.S. Magistrate Judge