

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

A & E AUTO BODY, INC., *et al.*,

Plaintiffs,

v.

Case No: 6:14-md-2557-Orl-31TBS

21ST CENTURY CENTENNIAL
INSURANCE COMPANY, *et al.*,

Defendants.

ORDER

Today, the Court held a hearing on Plaintiffs' Emergency Motion for Issuance of Subpoena Duces Tecum to Non-Parties (Doc. 262). Now, for the reasons stated on the record the motion is **GRANTED in part** as follows:

(1) GoDaddy.com, LLC, is **ORDERED** to segregate and preserve the following information for a period of two years from the date of this Order, or until further order of this Court:

The domain name(s) *cnfollowup.com* and/or *dns.jomax.net* and/or IP v4 address 184.168.192.92 TTL 599 hosted and/or supported by GoDaddy.com:

Any and all registration agreements associated with the domain name(s) and/or IP addresses listed above;

The name, telephone number, physical address, mailing address and electronic mail address of the person(s) and/or entities listed or known to be registrants of the above-noted domain names and/or IP addresses;

Any and all status changes associated with the domain name(s) and/or IP addresses listed above, including any and all documents memorializing status changes; and

Any copies of any and all customer service records, e.g., notes of telephone conversations, memoranda, notes or other records memorializing

communications with the customer.

(2) Google, Inc., is **ORDERED** to segregate and preserve the following information for a period of two years from the date of this Order, or until further order of this Court:

For the electronic mail address tommaple123@gmail.com, hosted and/or supported by you, any and all documents, whether maintained by you or a third party to which you have access, including but not limited to any of the following information:

- a. The subscriber's name, street address, telephone number(s) and email addresses associated with tommaple123@gmail.com;
- b. The records of the opening of the email address tommaple123@gmail.com, including the date the account/address was opened and the date the account/address was closed;
- c. The records of session times and durations associated with tommaple123@gmail.com;
- d. Any customer service records, (e.g., notes, memoranda, or other recordings of correspondence with associated person(s) and/or entities);
- e. The telephone or instrument numbers used, utilized by or associated with tommaple123@gmail.com;
- f. Any and all data or metadata showing user connections accessing the email address tommaple123@gmail.com, including but not limited to user connection logs;
- g. Any and all data or metadata showing the forwarding of the contents of the email address mailbox of tommaple123@gmail.com;
- h. Any and all records showing the telephone or instrument number, or other subscriber identity number for tommaple123@gmail.com;
- i. Any and all records identifying any and all databases, whether maintained by you or a third party to which you have access, that are used to store information, documents and/or communication for the email address tommaple123@gmail.com hosted and/or supported by you;

j. With respect to each database identified in response to “i” above, any and all records that describe its contents and general functions; structure (e.g. hierarchical, relational, flat file, VSAM, etc.); all tables and/or files in the database and the information in each table or file; each brand, type of computer and operating system that processes and/or accesses the database; each item or variable contained in the database together with all data dictionaries and record layouts which describe the items or variables in each such database, including any documentation which provides information relating to interpreting each coded field or variable in the database; whether any proprietary software is required to process or access the information in the database and, if so, what proprietary software is required; and the time period for which the database has been maintained; and

k. For any information described above that is archived, the records that describe the information that is archived; the form in which the information is archived (i.e. hard copy files or electronic data); where the archived information is located; the time period of the archived information; and the custodian(s) of the archived information.

“Preservation” is to be interpreted broadly to accomplish the goal of maintaining the integrity of the foregoing information. Preservation includes taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, or mutation of such material, as well as negligent or intentional handling that would make material incomplete or inaccessible.

This Order also applies to GoDaddy.com, LLC’s, and Google, Inc.’s employees, agents, contractors, carriers, or bailees who possess materials reasonably anticipated to be subject to discovery in this action.

If the business practices of any third-party subject to this Order involves the routine destruction, recycling, relocation, or mutation of the information ordered preserved, the party must, with respect to the information ordered preserved, and to the extent practicable for the pendency of this Order, either (1) halt such business processes; (2)

sequester or remove such material from the business process; or (3) arrange for the preservation of complete and accurate duplicates or copies of such material, suitable for later discovery if requested.

This Order is to be interpreted broadly to include the preservation of writings; records; files; correspondence; reports; memoranda; calendars; diaries; minutes; electronic messages; voicemail; E-mail; telephone message records or logs; computer and network activity logs; hard drives; backup data; removable computer storage media such as tapes, disks, and cards; printouts; document image files; Web pages; databases; spreadsheets; software; books; ledgers; journals; orders; invoices; bills; vouchers; checks; statements; worksheets; summaries; compilations; computations; charts; diagrams; graphic presentations; drawings; films; charts; digital or chemical process photographs; video, phonographic, tape, or digital recordings or transcripts thereof; drafts; jottings; and notes. Information that serves to identify, locate, or link such material, such as file inventories, file folders, indices, and metadata, is also included in this definition.

Plaintiffs are **ORDERED** to serve this Order on GoDaddy.com, LLC, and Google, Inc. Anyone wishing to contest this Order may do so by filing a motion or objection in this Court. Prior to the expiration of this preservation order, any party may file a motion to extend the preservation of any or all of the information ordered preserved.

DONE and **ORDERED** in Orlando, Florida on February 4, 2016.


THOMAS B. SMITH
United States Magistrate Judge

Copies furnished to Counsel of Record