We got sued! SOS Save the Scripts, and Body Cam, Too!

Clarissa M. Rodriguez, Partner
Kelly R. Albin, Partner
Denton Navarro Rodriguez Bernal Santee & Zech, P.C.

What is E-Discovery and ESI?

E-Discovery is the process of identifying, locating, preserving, collecting, preparing, reviewing, and producing information requested in requests for production in the discovery process that is stored electronically as opposed to paper (or other tangible) form.

ESI is different than conventional paper production as it results in a significantly greater amount of production, it may be in multiple places, it may be in multiple formats, deletion of information may not really eliminate the ESI, and it may not have an equivalent for documents or tangible items.

What is E-Discovery and ESI?

Types of Data

- Active Data- data on hard drives
- Archival Data- long term storage; record keeping
- Backup Data– recovery source for data
- Backup tape recycling– overwritten with new data (ie: security video)
- Deleted data- deleted by system or user
- Legacy data- obsolete data on hardware or software
- Near line data- available in a system that retrieves removable storage media or tapes

Metadata- how, when, why, whom- data was created, modified, etc

Forensics/Forensic Copy- examination/copy of examination of ESI

Mirror Imaging- forensic imaging/duplication of stored ESI

Form of Production

- Native format- original format of ESI (Word, Excel, etc)
- Static format- ESI that can be viewed as an image on a computer (pdf, tiff, jpg, etc)

Hard drive- storage device that has components that can be written over or erased magnetically

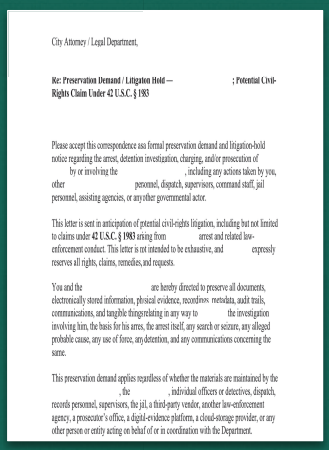
Systems data- computer records about its use

Sued or Not Sued…Don't Sink!

Immediate Anticipated Claim or Litigation

- A citizen or Attorney sends a demand letter
- A citizen or attorney sends e-data preservation letter
  - Notice Letter Under Texas Tort Claims Act
- A serious accident occurs involving city property or personnel
- An employee files an EEOC or TWC complaint
- A police use-of-force incident
- A contract dispute is escalating
- Controversial ordinance passed

Preservation Letter from an Attorney: Pre- Litigation



City Attorney / Legal Department,

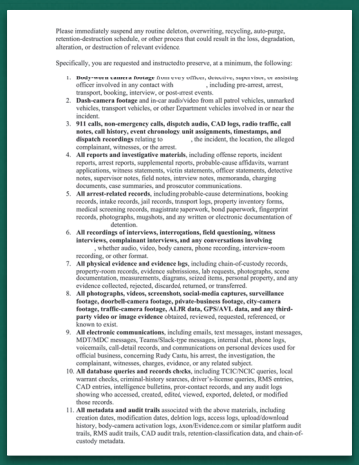
Re: Preservation Demand / Litigation Hold — ; Potential Civil-Rights Claim Under 42 U.S.C. § 1983

Please accept this correspondence as a formal preservation demand and litigation-hold notice regarding the arrest, detention investigation, charging, and/or prosecution of by or involving the , including any actions taken by you, other personnel, dispatch, supervisors, command staff, jail personnel, assisting agencies, or any other governmental actor.

This letter is sent in anticipation of potential civil-rights litigation, including but not limited to claims under **42 U.S.C. § 1983** arising from arrest and related law-enforcement conduct. This letter is not intended to be exhaustive, and expressly reserves all rights, claims, remedies, and requests.

You and the are hereby directed to preserve all documents, electronically stored information, physical evidence, recordsrom metadata, audit trails, communications, and tangible thingsrelating in any way to the investigation involving him, the basis for his arrest, the arrest itself, any search or seizure, any alleged probable cause, any use of force, any detention, and any communications concerning the same.

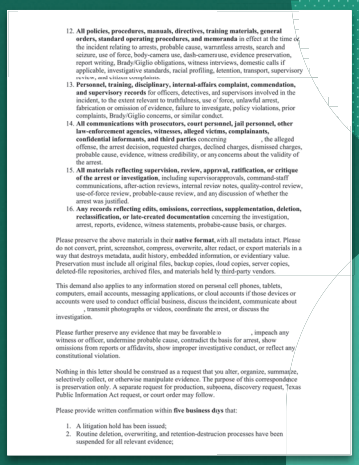
This preservation demand applies regardless of whether the materials are maintained by the , the , individual officers or detectives, dispatch, records personnel, supervisors, the jail, a third-party vendor, another law-enforcement agency, a prosecutor's office, a digital-evidence platform, a cloud-storage provider, or any other person or entity acting on behalf of or in coordination with the Department.



Please immediately suspend any routine deletion, overwriting, recycling, auto-purge, retention-destruction schedule, or other proces that could result in the loss, degradation, alteration, or destruction of relevant evidence.

Specifically, you are requested and instructedto preserve, at a minimum, the following:

1. **Body-worn camera footage** from every officer, detective, supervisor, or assisting officer involved in any contact with , including pre-arrest, arrest, transport, booking, interview, or post-arrest events.
2. **Dash-camera footage** and in-car audio/video from all patrol vehicles, unmarked vehicles, transport vehicles, or other Department vehicles involved in or near the incident.
3. **911 calls, non-emergency calls, dispatch audio, CAD logs, radio traffic, call notes, call history, event chronology unit assignments, timestamps, and dispatch recordings** relating to , the incident, the location, the alleged complainant, witnesses, or the arrest.
4. **All reports and investigative materials**, including offense reports, incident reports, arrest reports, supplemental reports, probable-cause affidavits, warrant applications, witness statements, victim statements, officer statements, detective notes, supervisor notes, field notes, interview notes, memoranda, charging documents, case summaries, and prosecutor communications.
5. **All arrest-related records**, including probable-cause determinations, booking records, intake records, jail records, transport logs, property inventory forms, medical screening records, magistrate paperwork, bond paperwork, fingerprint records, photographs, mugshots, and any written or electronic documentation of detention.
6. **All recordings of interviews, interrogations, field questioning, witness interviews, complainant interviews, and any conversations involving** , whether audio, video, body camera, phone recording, interview-room recording, or other format.
7. **All physical evidence and evidence logs**, including chain-of-custody records, property-room records, evidence submissions, lab requests, photographs, scene documentation, measurements, diagrams, seized items, personal property, and any evidence collected, rejected, discarded, returned, or transferred.
8. **All photographs, videos, screenshot, social-media captures, surveillance footage, doorbell-camera footage, private-business footage, city-camera footage, traffic-camera footage, ALPR data, GPS/AVL data, and any third-party video or image evidence** obtained, reviewed, requested, referenced, or known to exist.
9. **All electronic communications**, including emails, text messages, instant messages, MDT/MDC messages, Teams/Slack-type messages, internal chat, phone logs, voicemails, call-detail records, and communications on personal devices used for official business, concerning Rudy Cuzu, his arrest, the investigation, the complainant, witnesses, charges, evidence, or any related subject.
10. **All database queries and records checks**, including TCIC/NCIC queries, local warrant checks, criminal-history searches, driver's-license queries, RMS entries, CAD entries, intelligence bulletins, pre-contact records, and any audit logs showing who accessed, created, edited, viewed, exported, deleted, or modified those records.
11. **All metadata and audit trails** associated with the above materials, including creation dates, modification dates, deletion logs, access logs, upload/download history, body-camera activation logs, Axon/Evidence.com or similar platform audit trails, RMS audit trails, CAD audit trails, retention-classification data, and chain-of-custody metadata.



12. **All policies, procedures, manuals, directives, training materials, general orders, standard operating procedures, and memoranda** in effect at the time of the incident relating to arrests, probable cause, warrantless arrests, search and seizure, use of force, body-camera use, dash-camera use, evidence preservation, report writing, Brady/Giglio obligations, witness interviews, domestic calls if applicable, investigative standards, racial profiling, detention, transport, supervisory review, and citizen complaints.
13. **Personnel, training, disciplinary, internal-affairs complaint, commendation, and supervisory records** for officers, detectives, and supervisors involved in the incident, to the extent relevant to truthfulness, use of force, unlawful arrest, fabrication or omission of evidence, failure to investigate, policy violations, prior complaints, Brady/Giglio concerns, or similar conduct.
14. **All communications with prosecutors, court personnel, jail personnel, other law-enforcement agencies, witnesses, alleged victims, complainants, confidential informants, and third parties** concerning , the alleged offense, the arrest decision, requested charges, declined charges, dismissed charges, probable cause, evidence, witness credibility, or any concerns about the validity of the arrest.
15. **All materials reflecting supervision, review, approval, ratification, or critique of the arrest or investigation**, including supervisorapprovals, command-staff communications, after-action reviews, internal revisor notes, quality-control review, use-of-force review, probable-cause review, and any discussion of whether the arrest was justified.
16. **Any records reflecting edits, omissions, corrections, supplementation, deletion, reclassification, or late-created documentation** concerning the investigation, arrest, reports, evidence, witness statements, probable-cause basis, or charges.

Please preserve the above materials in their **native format**, with all metadata intact. Please do not convert, print, screenshot, compress, overwrite, alter redact, or export materials in a way that destroys metadata, audit history, embedded information, or evidentiary value. Preservation must include all original files, backup copies, cloud copies, server copies, deleted-file repositories, archived files, and materials held by third-party vendors.

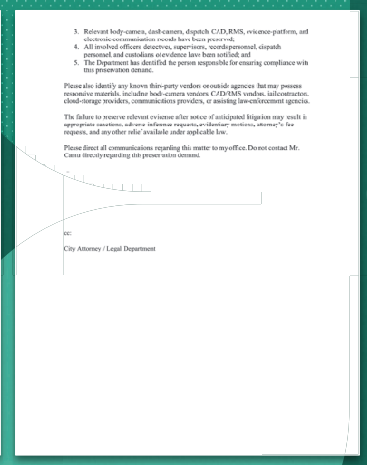
This demand also applies to any information stored on personal cell phones, tablets, computers, email accounts, messaging applications, or cloud accounts if those devices or accounts were used to conduct official business, discuss theincident, communicate about , transmit photographs or videos, coordinate the arrest, or discuss the investigation.

Please further preserve any evidence that may be favorable to , impeach any witness or officer, undermine probable cause, contradict the basis for arrest, show omissions from reports or affidavits, show improper investigative conduct, or reflect any constitutional violation.

Nothing in this letter should be construed as a request that you alter, organize, summarize, selectively collect, or otherwise manipulate evidence. The purpose of this correspondence is preservation only. A separate request for production, subpoena, discovery request, Texas Public Information Act request, or court order may follow.

Please provide written confirmation within **five business days** that:

1. A litigation hold has been issued;
2. Routine deletion, overwriting, and retention-destruction processes have been suspended for all relevant evidence;



3. Relevant body-camera, dash-camera, dispatch CAD,RMS, evidence-platform, and electronic-communication records have been preserved;
4. All involved officers directives, supervisors, recordpersonnel, dispatch personnel and custodians ofevidence law been notified; and
5. The Department has identified the person responsible for ensuring compliance with this preservation demand.

Please also identify any known third-party vendors oroutside agencies that may possess responsive materials, including body-camera vendors, CAD/RMS vendors, cloud-storage providers, communications providers, or assisting law-enforcement agencies.

The failure to preserve relevant evidence after notice of anticipated litigation may result in appropriate sanctions, adverse inference requests,evidentiary motions, attorney's fee requests, and any other relief available under applicable law.

Please direct all communications regarding this matter to my office. Do not contact Mr. Cuzu directly regarding this preservation demand.

cc:

City Attorney / Legal Department

Key Points from In House Attorney Letter

- *This is the demand we received from opposing counsel.*
- **Preservation demand** re: a potential civil-rights claim under 42 U.S.C. § 1983.
- **16 categories of ESI** body-worn & dash camera footage; 911 / dispatch audio and CAD logs; reports; email, text, Slack/Teams and MDT messages.
- **Native format with metadata** intact — and personal devices are expressly included.
- **Suspend all routine deletion** and retention-destruction processes immediately.
- **Confirm within five business days** that a litigation hold is in place.
- **Failure to preserve** may support spoliation sanctions and an adverse-inference instruction.

We got this letter…what do we do with it???

SAVE	SAVE THE E-DATA
Safeguard	Safeguard the Data
Alert	Alert Custodians
Verify	Verify Locations/Sources
Ensure	Ensure Retention & Compliance

Why Do We Care as a City Attorney- there is no lawsuit?

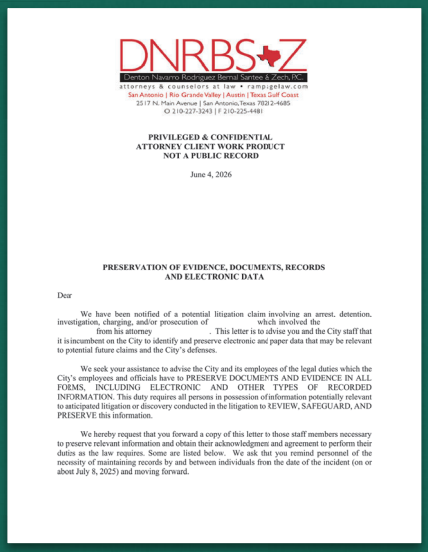
- **Anticipation of Litigation- Claim or Investigation**
  - PRESERVATION as **SOON** as you KNOW!
- **TPIA** Considerations
- **Modern Evidence Is Often Transient**
  - Evidence is routinely overwritten or deleted:
    - Surveillance video may auto-delete after 30–90 days.
    - **INVENTORY** Digital Storage Devices
    - Text messages may disappear when phones are replaced.
      - **DO NOT LET ANYONE WIPE A PHONE!**
  - Cloud platforms may have short retention settings.
  - Social media content can be removed.
  - Without early intervention, critical evidence may vanish before anyone thinks about a lawsuit.
- Legal **Compliance** Later
- Protects City **Defenses**

Save the S___ (Stuff!)

- E-Data Preservation Letter Pre Litigation
  - Specific or Otherwise
- E-Data Preservation Direction/Letter as a City Attorney after Litigation Filed
- That is a LOT- Why???
  - Spoliation…Later…
    - Sanctions –
      - $$ and risk of losing use of key evidence
  - Value to Plaintiffs
  - Adverse Jury Instruction
  - Duty to Protect & Effective Representation of the City as Client
    - Rule 1.01- Competent and Diligent Representation
    - Rule 1.13- Organization as Client

Rule 1.01 – Competence	Provide competent representation, including required legal knowledge, skill, and preparation.	Lawyers must understand enough about technology to identify, preserve, and produce ESI defensibly; may require consulting technical experts.	A city attorney ensures they understand email archiving systems and retention schedules to respond to both litigation discovery and TPIA requests.
Rule 1.13 – Organization as Client	The client is the entity, not the individual officials or employees. Escalate issues internally if an officer's conduct threatens the client's legal compliance.	Counsel must act in the entity's best interests when officials or employees fail to preserve ESI or refuse production.	A county commissioner refuses to produce texts from a personal phone about county business; counsel informs the county judge and IT to preserve the data and comply with both discovery and TPIA.

Pre-Litigation Letter from Us



DNRBS&Z
Denton Navarro Rodriguez Bernal Santee & Zech, PC
attorneys & counselors at law • rampagelaw.com
San Antonio | Rio Grande Valley | Austin | Texas Gulf Coast
2517 N. Main Avenue | San Antonio, Texas 78212-4685
O 210-227-3243 | F 210-225-4481

PRIVILEGED & CONFIDENTIAL
ATTORNEY CLIENT WORK PRODUCT
NOT A PUBLIC RECORD

June 4, 2026

PRESERVATION OF EVIDENCE, DOCUMENTS, RECORDS AND ELECTRONIC DATA

Dear

We have been notified of a potential litigation claim involving an arrest, detention, investigation, charging, and/or prosecution of which involved the from his attorney . This letter is to advise you and the City staff that it is incumbent on the City to identify and preserve electronic and paper data that may be relevant to potential future claims and the City's defenses.

We seek your assistance to advise the City and its employees of the legal duties which the City's employees and officials have to PRESERVE DOCUMENTS AND EVIDENCE IN ALL FORMS, INCLUDING ELECTRONIC AND OTHER TYPES OF RECORDED INFORMATION. This duty requires all persons in possession of information potentially relevant to anticipated litigation or discovery conducted in the litigation to REVIEW, SAFEGUARD, AND PRESERVE this information.

We hereby request that you forward a copy of this letter to those staff members necessary to preserve relevant information and obtain their acknowledgmen and agreement to perform their duties as the law requires. Some are listed below. We ask that you remind personnel of the necessity of maintaining records by and between individuals fron the date of the incident (on or about July 8, 2025) and moving forward.

June 4, 2026
Page 2

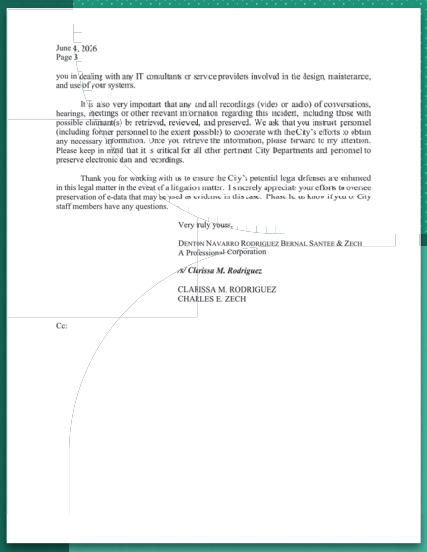
The law requires us to preserve and maintain evidence, as well as preventing anyone with access to data from modifying, destroying, or hiding electronic evidence or recordings. Potentially, relevant information may include, but is not limited to

- Digital communications (e-mail, voice mail, instant messaging, which would include e-mail activity in inboxes, sent boxes and deletel histories)
- Word processed documents (Word or WordPerfect documents and drafts);
- Spreadsheets and tables (Excel or Lotus 123 worksheets);
- Image and facsimile files (.pdf, .tiff, .jpg, .gif images);
- Sound recordings (.WAV and .MP3 files);
- Video and animation (.AVI and .MOV files);
- Databases (Access, Oracle, SQL Serve data, SAP);
- Contact and Relationship Management Data (Outlook, ACT);
- Calendar and Diary Application Data (Outlook PST, Yahoo, blog tools);
- Online Access Data (Temporary Internet Files, History, Cookies, cache files);
- Presentations (PowerPoint, Coral Presentation);
- Third party information;
- Telephone/voicemail systems (stationary and robile);
- City-issued cellular phones and personal cell phones with City information related to this incident before, during and after the occurrence;
- Text Messages;
- Metadata; and
- Open Record Requests.

Electronic information can be obtained in sevral forms: active data (currently accessible data from a computer), repricant data (data derivet from electronic archives and automatic backups), residual data (deleted or unallocated data on a computer), and metadata (data about electronic data that includes dates of creation, alteration, deletion, and who accessed the data, and from where, amongst others). The City will need to icentify if there are any access codes that are necessary to access this information. The City wil also need to **cease routine document destruction**, keep backup tapes, and instruct employees to refrain from deleting documents until forensic copies of hard drives can be obtained, if necessary. Although the letter

We have identified the following persons whose electronic and other information should be preserved during the relevant time period related to he subject incident:
, and yourself, all records noted in the preservation letter from the Police Department for the necessity of naintaining records by and between them regarding the potential claimant(s) and/or their agents and representatives and other information related to the incident involving claimant(s) prior to and post incident noted in the preservation letter. To the extent any of the information from and/or to the above-referenced individuals are within the City's control and can be saved or retrieved, please do so.

We are available to consult with you on the sope of these responsibilities and how they should be implemented in the context of specific software, programs, or systems, and will assist



June 4, 2026
Page 3

you in dealing with any IT consultants or servce providers involved in the design, mainterarce, and use of your systems.

It is also very important that any and all recordings (video or audio) of conversations, hearings, meetings or other reevant information regarding this incident, including those with possible claimant(s) be retrieved, reviewed, and preserved. We ask that you instruct personnel (including former personnel to the exent possible) to cooperate with theCity's efforts to obtain any necessary information. Once you retrieve the information, please forwarc to my attention. Please keep in mind that it s critical for all other pertinent City Departments and personnel to preserve electronic data and recordings.

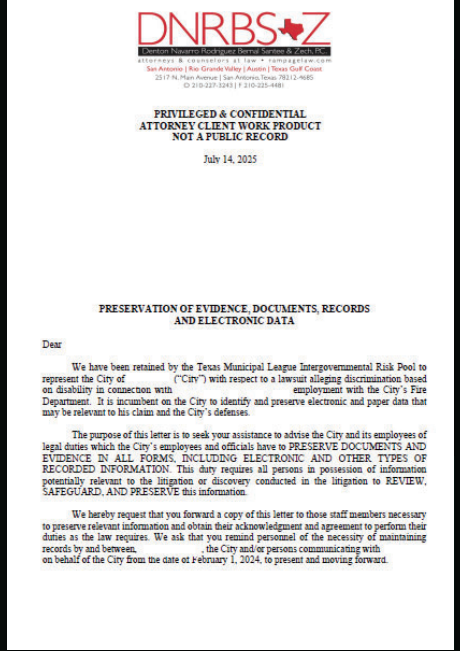
Thank you for working with us to ensure he City's potential lega defenses are enhanced in this legal matter in the event of a litigation matter. I sincerely appreciate your efforts to oversee preservation of e-data that may be used as evidence in this case. Please let us know if you or City staff members have any questions.

Very truly yours,

DENTON NAVARRO RODRIGUEZ BERNAL SANTEE & ZECH
A Professional Corporation

/s/ Clarissa M. Rodriguez
CLARISSA M. RODRIGUEZ
CHARLES E. ZECH

Cc:



DNRBS&Z
Denton Navarro Rodriguez Bernal Santee & Zech, PC
attorneys & counselors at law • rampagelaw.com
San Antonio | Rio Grande Valley | Austin | Texas Gulf Coast
2517 N. Main Avenue | San Antonio, Texas 78212-4685
O 210-227-3243 | F 210-225-4481

PRIVILEGED & CONFIDENTIAL
ATTORNEY CLIENT WORK PRODUCT
NOT A PUBLIC RECORD

July 14, 2025

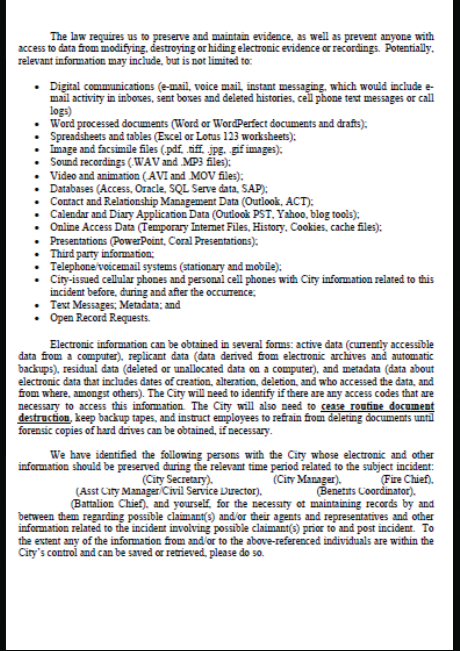
PRESERVATION OF EVIDENCE, DOCUMENTS, RECORDS AND ELECTRONIC DATA

Dear

We have been retained by the Texas Municipal League Intergovernmental Risk Pool to represent the City of ("City") with respect to a lawsuit alleging discrimination based on disability in connection with employment with the City's Fire Department. It is incumbent on the City to identify and preserve electronic and paper data that may be relevant to his claim and the City's defenses.

The purpose of this letter is to seek your assistance to advise the City and its employees of legal duties which the City's employees and officials have to PRESERVE DOCUMENTS AND EVIDENCE IN ALL FORMS, INCLUDING ELECTRONIC AND OTHER TYPES OF RECORDED INFORMATION. This duty requires all persons in possession of information potentially relevant to the litigation or discovery conducted in the litigation to REVIEW, SAFEGUARD, AND PRESERVE this information.

We hereby request that you forward a copy of this letter to those staff members necessary to preserve relevant information and obtain their acknowledgment and agreement to perform their duties as the law requires. We ask that you remind personnel of the necessity of maintaining records by and between, , the City and/or persons communicating with on behalf of the City from the date of February 1, 2024, to present and moving forward.

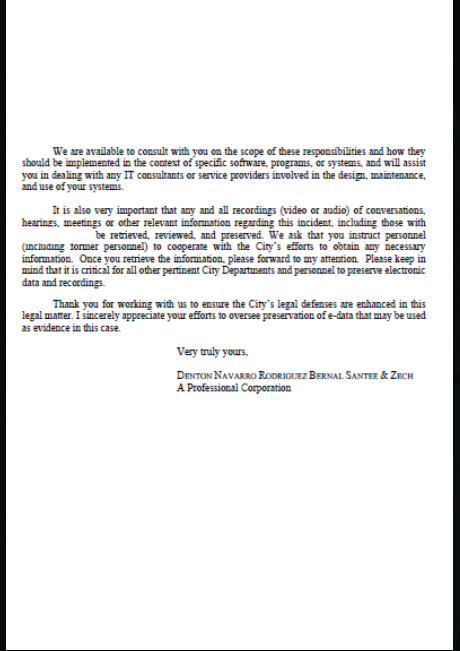


The law requires us to preserve and maintain evidence, as well as prevent anyone with access to data from modifying, destroying or hiding electronic evidence or recordings. Potentially, relevant information may include, but is not limited to:

- Digital communications (e-mail, voice mail, instant messaging, which would include e-mail activity in inboxes, sent boxes and deleted histories, cell phone text messages or call logs)
- Word processed documents (Word or WordPerfect documents and drafts);
- Spreadsheets and tables (Excel or Lotus 123 worksheets);
- Image and facsimile files (.pdf, .tiff, .jpg, .gif images);
- Sound recordings (.WAV and .MP3 files);
- Video and animation (.AVI and .MOV files);
- Databases (Access, Oracle, SQL Serve data, SAP);
- Contact and Relationship Management Data (Outlook, ACT);
- Calendar and Diary Application Data (Outlook PST, Yahoo, blog tools);
- Online Access Data (Temporary Internet Files, History, Cookies, cache files);
- Presentations (PowerPoint, Coral Presentations);
- Third party information;
- Telephone/voicemail systems (stationary and mobile);
- City-issued cellular phones and personal cell phones with City information related to this incident before, during and after the occurrence;
- Text Messages; Metadata; and
- Open Record Requests.

Electronic information can be obtained in several forms: active data (currently accessible data from a computer), replicant data (data derived from electronic archives and automatic backups), residual data (deleted or unallocated data on a computer), and metadata (data about electronic data that includes dates of creation, alteration, deletion, and who accessed the data, and from where, amongst others). The City will need to identify if there are any access codes that are necessary to access this information. The City will also need to **cease routine document destruction**, keep backup tapes, and instruct employees to refrain from deleting documents until forensic copies of hard drives can be obtained, if necessary.

We have identified the following persons with the City whose electronic and other information should be preserved during the relevant time period related to the subject incident: (City Secretary), (City Manager), (Fire Chief), (Asst City Manager/Civil Service Director), (Benefits Coordinator), (Battalion Chief), and yourself, for the necessity ot maintaining records by and between them regarding possible claimant(s) and/or their agents and representatives and other information related to the incident involving possible claimant(s) prior to and post incident. To the extent any of the information from and/or to the above-referenced individuals are within the City's control and can be saved or retrieved, please do so.



We are available to consult with you on the scope of these responsibilities and how they should be implemented in the context of specific software, programs, or systems, and will assist you in dealing with any IT consultants or service providers involved in the design, maintenance, and use of your systems.

It is also very important that any and all recordings (video or audio) of conversations, hearings, meetings or other relevant information regarding this incident, including those with be retrieved, reviewed, and preserved. We ask that you instruct personnel (including former personnel) to cooperate with the City's efforts to obtain any necessary information. Once you retrieve the information, please forward to my attention. Please keep in mind that it is critical for all other pertinent City Departments and personnel to preserve electronic data and recordings.

Thank you for working with us to ensure the City's legal defenses are enhanced in this legal matter. I sincerely appreciate your efforts to oversee preservation of e-data that may be used as evidence in this case.

Very truly yours,

DENTON NAVARRO RODRIGUEZ BERNAL SANTEE & ZECH
A Professional Corporation

Key Points from In House Attorney Letter

- **Triggered by a claimant's attorney** re: an arrest / detention matter (incident on or about July 8, 2025)
  - Could be pre- or post- litigation
  - TTCA Notice letter
- **Advises the City and employees** of the duty to preserve electronic and paper records for anticipated litigation.
- **Reminds personnel** to maintain records from the date of the incident forward.
- **Cease routine document destruction** keep backup tapes, and do not delete until forensic copies are made.
- **Identifies custodians** including the Police Department personnel noted in the preservation letter.

Types of ***E-Data*** to SAVE (Because paper gets destroyed in water)

General City Information

- E-Mails
- Texts
- Teams, Slack (Messaging Forms)
- What'sApp, Signal, Telegram, etc
- Body Cam
- Dash cam
- Council Chamber Camera Video
- Security/Surveillance Camera Video
- Voicemails
- AI Prompts
- Cloud Storage- SharePoint, OneDrive, Dropbox
- InCode Data
- GIS/Public Works Data

Law Enforcement & Emergency (911)

- Body-worn camera footage
- Dash camera video
- Dispatch recordings CAD (Computer-Aided Dispatch)
- Records RMS (Records Management System) data
- Digital evidence files
- 911 recordings
- Radio communications
- Dispatch logs
- Incident reporting systems
- Holding cell video

E-Discovery: Process, Lifecycle, Interplay with Ethical Obligations

Identification and Preservation of ESI - When litigation is anticipated or when there is a triggering event for a client to preserve evidence, working with the client is imperative to work with the reasonably identifiable person (e.g. IT Department) to identify and preserve all sources of ESI and persons who may have ESI as it relates to the litigation.

Collection and Production of ESI - The party does not have to produce ESI that is not reasonably accessible because of undue burden or cost.

Challenges with Collection and Production & Solutions for ESI.

Rule 26(f) Conference - Using the Rule 26(f) conference is key to producing ESI. Parties are required to confer and this includes conferring on ESI.

The Sedona Principles on E-Discovery

The Sedona Principles originated from the work of The Sedona Conference, a nonprofit think tank established in 1997 to bring together judges, lawyers, academics, and experts to address complex issues in law and policy.

There were multiple challenges to e-discovery in litigation, and the group worked on principles to provide guidance on fairness, reasonableness, and proportionality in e-discovery, emphasizing cooperation among parties and the need to balance costs with the value of information.

Sedona provides principled and best practices for courts, attorneys, and litigants in e-discovery processes and procedures under the Federal Rules of Civil Procedure.

There are 14 Sedona Principles and numerous commentaries on various topics on E-Discovery such as preservation, legal holds and so forth.

The Sedona Principles & the FRCP Crosswalk

Sedona Principle	Relevant FRCP Rule(s)	Practical Example
1. Reasonableness and Good Faith in Preservation	Rule 26(b)(1), Rule 37(e)	Implement a targeted litigation hold on relevant custodians rather than halting deletion of all ESI.
2. Proportionality	Rule 26(b)(1)	Limit discovery to a 6-month window and key custodians to reduce costs while covering disputed issues.
3. Cooperation	Rule 1, Rule 26(f)	Agree on search terms and custodians during the Rule 26(f) conference to prevent later disputes.
4. Reasonable Accessibility	Rule 26(b)(2)(B)	Deem backup tapes "not reasonably accessible" due to extreme costs; produce only upon good cause.
5. Early Judicial Management	Rule 16, Rule 26(f)	Judge orders phased discovery, beginning with emails before financial records.
6. Duty to Preserve Once Litigation Is Anticipated	Rule 37(e)	Issue a litigation hold upon receipt of a demand letter—not after suit is filed.
7. Production Formats and Metadata	Rule 34(b)(2)(E)	Produce emails in native format with metadata to preserve searchability.
8. Protection of Privilege and Work Product	Rule 26(b)(5)(B)	Use a Rule 502(d) order to prevent privilege waiver for inadvertent productions.
9. Cost Allocation	Rule 26(c), Rule 26(b)(2)(B)	Court orders requesting party to share costs of restoring inaccessible backup data.
10. Sanctions for Spoliation	Rule 37(e)	Court declines sanctions where data loss occurred before duty to preserve and without bad faith.
11. Cross-Border Data	Rule 26(b)(1), (b)(2)	Negotiate production parameters to comply with GDPR restrictions.
12. Technology-Assisted Review (TAR)	Rule 26(b)(1), Rule 34	Parties agree to use TAR with validation metrics instead of linear review.
13. Ethics and Competence	Rule 26(g), Model Rule 1.1	Counsel engages e-discovery experts to ensure technical competence.
14. Continuous Improvement	Not codified; aligns with Rule 1	Firm implements post-case process reviews to improve future workflows.