

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL, *et al.*,)
)
Plaintiffs,)
)
)
v.)
)
GALE NORTON, *et al.*,)
)
Defendants.)
)
_____)

Civil Action
No. 1:96 CV 01285 (RCL)

FILED

MAY 26 2005

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

ORDER

This matter comes before the Court on *Interior Defendants' Motion for Modification and Clarification Of the April 25, 2005 Order with Regard to Production of Documents*. Upon consideration of the Interior Defendants' motion, the opposition of Plaintiffs, the May 24, 2005 oral argument before this Court, the entire record of this case, and in accordance with the April 25, 2005 Order, it is HEREBY

ORDERED that Interior Defendants' motion is DENIED; it is FURTHER

ORDERED that the Interior Defendants shall forthwith award the contract to ZANTAZ to carry out this order; it is FURTHER

ORDERED that the Interior Defendants shall produce to Plaintiffs all responsive electronic e-mail records in the custody or control of ZANTAZ subject to the following parameters. For purposes of this order, and in light of Interior Defendants' representation that all e-mail sent or received from Interior designated offices is captured at ZANTAZ, all responsive electronic e-mail records means:

(1) documents dated on or after January 1, 2003, and on or before May 15, 2005,

(2) only one copy need be produced for each responsive document,

(3) the individuals identified in this order shall be relieved from the obligation to produce hard copy versions of their responsive electronic e-mail records with the following exceptions: (a) James Cason, Hord Tipton and Brian Burns shall produce hard copy versions of their responsive electronic e-mail records, (b) hard copy versions of responsive electronic e-mail records with handwritten notations or other subsequent alterations shall be produced, and (c) all hard copy versions of responsive electronic e-mail records dated between January 1, 2002 and December 31, 2002 shall be produced. It is FURTHER

ORDERED that on or before June 6, 2005, the Interior Defendants shall produce to Plaintiffs all responsive electronic e-mail records in the custody or control of ZANTAZ for the following individuals: James Cason, Hord Tipton and Brian Burns. It is FURTHER

ORDERED that on or before June 13, 2005, the Interior Defendants shall produce to Plaintiffs all responsive electronic e-mail records in the custody or control of ZANTAZ for the following individuals: Gale Norton, Stu Mitchell, Joel Hurford, Al Foster, Robert Brown, R.M. (Johnnie) Burton, Joseph Lopez, Robert Smith, Craig Ekholm and Ronnie Levine. It is FURTHER

ORDERED that on or before June 17, 2005, the Interior Defendants shall produce to Plaintiffs all responsive electronic e-mail records in the custody or control of ZANTAZ for the following individuals: Robert Lamb, Lynn Scarlett, Timothy Vigotsky, Bob Haycock, Nina Hatfield, Steve Griles, Abe Haspel, Bert Edwards, Larry Jensen and Corey Wells. It is FURTHER

ORDERED that three business days before Interior Defendants call a witness to testify in their defense they shall produce to Plaintiffs all responsive electronic e-mail records in the custody or control of ZANTAZ for such individuals. It is FURTHER


ORDERED that the Interior Defendants, within 48 hours after production of documents, shall file with this Court and serve on Plaintiffs a privilege log for responsive documents they are withholding. It is FURTHER

ORDERED that Plaintiffs may file with the Court and serve on Interior Defendants a proposed schedule for the production of responsive electronic e-mail records of additional individuals whose e-mail Plaintiffs believe should be produced for the examination of witnesses in the evidentiary hearing. It is FURTHER

ORDERED that Interior Defendants shall produce to Plaintiffs all responsive records subject to this Order in PST format (.pst).

SO ORDERED

26th day of May 2005.


Hon. Royce Lamberth
United States District Judge