

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CARA LESLIE ALEXANDER,
et al.,
Plaintiffs,

v.

FEDERAL BUREAU OF
INVESTIGATION, et al.,
Defendants.

Civil Action Nos.
96-2123/97-1288 (RCL)

CONSOLIDATED ACTIONS

FILED

JUL 31 2000

ORDER

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

This matter comes before the Court on Plaintiffs' Supplement to Motion To Compel the Production of Documents Regarding Second Request to the Executive Office of the President ["EOP"] Regarding Non-ARMS E-Mail, Archived Computer Drives, and Other Computer Documents. In accordance with the Court's Memorandum Opinion dated July 10, 2000, at 19, the Court has held an evidentiary hearing on the best way, for purposes of this litigation, to restore and search e-mails that were not captured by the EOP's Automated Records Management System ("ARMS"), but which may exist on back-up tapes. During the course of that hearing, the Court received testimony that EOP could restore the e-mails from 20-25 back-up tapes, and load them into an electronically searchable database, within 12 days' time. Based on this and the other evidence received during the course of the hearing, and as also contemplated by the Court's July 10 memorandum opinion, see id. at 22, the Court will order a

restoration and search by the EOP of e-mails from a limited number of select back-up tapes, as follows:

1. In a subsequent order, the Court will identify by date the back-up tapes from which e-mails are to be restored and searched.

2. Within 21 working days of receiving the foregoing identification, the EOP shall (i) restore and electronically search e-mails from these tapes, in accordance with the parameters set forth in the Court's memorandum opinions and orders dated June 5 and July 10, 2000, and (ii) produce any non-privileged e-mails responsive to plaintiffs' prior document requests to the EOP in this action. The searchable database to be created by EOP shall contain the users identified in the Court's June 5 and July 10, 2000 Orders, and the e-mails for those users which were not previously recorded in ARMS.

3. If the EOP determines that the number of tapes encompassed within the dates identified by the Court is greater than is practicable to comply with the deadline set forth in paragraph 2, above, then it shall promptly notify the Court so that such modifications to this Order as the Court may deem necessary or advisable may be made.

4. If the EOP determines that the data from any of the tapes identified by the Court are unreadable, the EOP

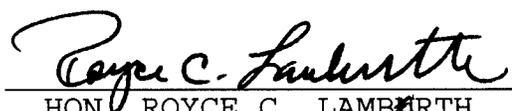
shall promptly notify the Court so that the Court may designate substitute tapes, or take such other action as it deems necessary or advisable. In addition, if the EOP should encounter any unanticipated or unavoidable hardware or software failures, EOP shall immediately notify the Court so that the Court may make modifications to this Order as the Court deems necessary or advisable.

5. If the EOP determines that the electronic search of the restored e-mails has yielded a greater number of "hits" than can practicably be reviewed and produced within the deadline set forth in paragraph 2, above, then it shall promptly notify the Court so that such modifications to this Order as the Court may deem necessary or advisable may be made.

6. For purposes of complying with this Order, the EOP may copy the back-up tapes identified by the Court without bit-by-bit verification.

7. For purposes of complying with this Order, the EOP may copy the back-up tapes to media other than DLT.

So ORDERED this 31st day of July, 2000



HON. ROYCE C. LAMBIRTH
UNITED STATES DISTRICT JUDGE