

[Your Name/Law Firm]
[Address]
[City, State, Zip Code]
[Email Address]
[Phone Number]

[Date]

[Opposing Counsel Name]
[Opposing Law Firm]
[Address]
[City, State, Zip Code]

RE: [Case Name] - Case No. [Case Number]

Dear [Opposing Counsel Name],

In preparation for our upcoming Rule 26(f) conference and the filing of the Joint Case Management Conference Statement, I am writing to initiate a meet and confer regarding the preservation, collection, and production of electronically stored information (ESI).

To ensure a streamlined discovery process, we propose discussing the following ESI topics:

- **Preservation:** Confirmation that both parties have issued litigation holds and identified relevant data custodians.
- **Search Terms and Methodology:** Agreement on keywords, date ranges, and potential use of Technology Assisted Review (TAR) or predictive coding.
- **Production Formats:** Agreement on file formats (e.g., TIFF, PDF, or Native), metadata fields to be produced, and load file requirements.
- **Inaccessible Data:** Identification of any data sources deemed not reasonably accessible due to undue burden or cost.
- **Privilege and Clawback:** Implementation of a Federal Rule of Evidence 502(d) Order to prevent the waiver of privilege in the event of inadvertent production.

I have attached a draft ESI Protocol for your review. Please let me know if you are available on [Date] at [Time] to discuss these items so that we may include a unified ESI plan in our Joint Case Management Statement.

I look forward to hearing from you.

Sincerely,

[Your Signature]
[Your Printed Name]