

APPENDIX 4

Plain Language "Simple" Protocol Agreement

NO. S061234
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

JOHN SMITH

PLAINTIFF

AND:

MAJOR INSURANCE COMPANY

DEFENDANT

TECHNOLOGY PROTOCOL AGREEMENT

The parties agree to follow the protocols set out in this Agreement in relation to the use of computer technology in the conduct of this action

1. WRITTEN COMMUNICATIONS BETWEEN COUNSEL

- 1.1 Wherever possible, counsel will exchange correspondence and other written communications in this proceeding by email.
- 1.2 Correspondence of a "formal" nature (ie. communications dealing with matters of procedural or substantive importance in the litigation that would traditionally have been sent in the form of a signed letter) will be sent as:
 - 1.2.1 an email message bearing the letterhead or other identifying particulars of the sending lawyer or law firm;
OR
 - 1.2.2 A letter in the native word processing format in which it was created (ie. Word or WordPerfect), sent as an email attachment;
OR
 - 1.2.3 A scanned version of a letter, in PDF format (with[out] embedded text), sent as an email attachment.
- 1.3 Where correspondence and the document(s) accompanying it exceed 20 MB in size, the communication should normally be sent either (a) in CD-R format by courier, or (b) by making the items available for download from a secure web-site of the sending party.

1.4 Unless specifically asked by the recipient to do so, the sender will not send hard copies of correspondence or documents that are sent electronically.

2. COURT DOCUMENTS

2.1 For the purposes of this section, "court documents" mean documents of any of the forms provided for in the Supreme Court Rules.

2.2 The parties agree to accept delivery of court document in electronic form

2.3 Unless specifically asked by the recipient to do so, the sender will not send hard copies of court documents delivered electronically.

2.4 Court documents will be delivered in PDF format with embedded text, except for Affidavits which will be delivered in PDF (image only) format.

2.5 Counsel will acknowledge delivery of court documents sent electronically by:

2.4.1 Returning a signed delivery acknowledgment copy of the covering letter sent with the document(s)

OR

2.4.2 Returning a "read receipt" response to the email message attaching the document(s).

3. DISCOVERY OF DOCUMENTS

3.1 The parties agree to exchange lists of their discoverable documents in electronic form with / without a hard copy of the List(s) of Documents to follow by mail or by courier.

3.2 The parties will provide lists of their discoverable documents to the other party in the following format: [Tab delimited ASCII format / MS Excel Spreadsheet / MS Access / CT Sujmmation / Concordance / FTI Ringtail].

3.3 The parties will use the following information fields in the list(s) of documents sent to the other party:

Document ID / Host document No / Date / Est Date / Document type /
Author/Author Organization / Recipient/Recipient Organization /
Title/description / Parties / Source / Non-Paper Record / Redacted /
Basis of Redaction / Status (copy vs original) / No of Pages.

3.4 The parties will use the following conventions in assigning Document ID numbers to their discoverable documents:

ABC.000123_001

ABC Unique 3 letter prefix identifying the party making disclosure.

The prefixes to be used in this case will be "SMI" for the plaintiff
"MAJ" for the defendant

000123 Unique 6-digit number (with zeros preceding the sequential number) assigned to each individual page for all documents disclosed by the parties

_001 Suffix used to identify pages inserted or added later into a party's document assembly (eg., if mistakenly omitted when originally assigning Document ID numbers)

3.5 The parties agree that the information fields to be used in the lists of documents to be exchanged between them will be populated in keeping with the standards set out in the Electronic Evidence Practice Direction, except as follows:

3.6 So far as possible, the parties will use the following standard categories when assigning document types to specific documents when listing their discoverable documents:

Accounting Record	Email	Photograph
Agenda	Extract	Plan
Agreement	Fax Cover Sheet	Policy
Annual Return	Fax Confirmation	Presentation
Article	File Cover / Divider	Receipt
Bank Statement	File Note	Report
Brochure	Financial Report	Schedule
Business Card	Form	Specification
Certificate	Graph	Spreadsheet
Chart	Guidelines	Table
Cheque	Handwritten Note	Tender
Company Records	Invoice	Video
Computer Disk / CD ROM	Letter	With Compliments Slip
Computer Printout	List	
Court Document	Memorandum	
Diary / Notebook	Minutes	
Drawing	Note	

3.7 The parties also agree to exchange imaged copies of their discoverable paper documents, rather than paper copies of those documents. The file format to be used for such imaged copies will [TIFF (single page), TIFF (multi-page), PDF, Other].

3.8 In addition to the images of paper documents to be provided by them, the parties also agree to provide OCR versions of the following types of discoverable documents existing in paper form

3.9 The parties also agree that they will exchange electronic copies, in their native format, of non-paper records which must be disclosed under Rule 26.

4. GENERAL

4.1 The parties agree that the Electronic Evidence Practice Direction will apply to this proceeding, and that this Agreement constitutes a Protocol within the meaning of the Practice Direction.

4.2 The recipient will be responsible to test for viruses. The sender should take all reasonable precautions to ensure that their data is virus free.

4.3 Each party will be responsible for the cost of producing the electronic data as outlined in these protocols, subject to any costs orders which may ultimately be made in the proceedings.

Dated: _____

Counsel for the Plaintiff

Counsel for the Defendant