No.

In the Supreme Court of the United States

MARY WILKERSON - PETITIONER

v.

UNITED STATES OF AMERICA - RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI
TO THE ELEVENTH CIRCUIT COURT OF APPEALS

APPENDIX VI

PETITION FOR A WRIT OF CERTIORARI OF
MARY WILKERSON, PETITIONER

APPENDIX

APPENDIX VI
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APPENDIX Y

Sealed Motion for Authorization, Both Past and Future Payment for Technological Software, Support and Services for Defendant, Mary Wilkerson

Doc. 66 (Sealed) & Exhibits
June 7, 2013

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

UNITED STATES OF AMERICA	* CRIMINAL NO. 1:13-CR-00012-WLS-TQL-4 * VIOLATIONS: * 18 U.S.C. SECTIONS 1505 * 18 U.S.C. SECTIONS 1505
v.	*
MARY WILKERSON,	* MOTION FOR AUTHORIZATION, BOTH * PAST AND FUTURE, OF PAYMENT * FOR TECHNOLOGICAL SOFTWARE,
Defendant.	* SUPPORT AND SERVICES FOR * DEFENDANT, MARY WILKERSON

COMES NOW, the Defendant, MARY WILKERSON, by and through her attorney of record and moves this Honorable Court to enter an Order granting the Defendant both Past and Future authorization of payment for technological assistance in obtaining and setting up search software to analyze the voluminous number of documents obtained by the Government in its investigation against Defendant (estimate of approximate of 2.5 to 3 million documents) and for the assistance of a computer technical support expert.

1.

The Defendant is charged with two counts of Obstruction of Justice, 18 U.S.C. § 1505, Count No. 73 and Count No. 76 in the above Indictment, each of which Count carries a fine and/or a sentence of up to five years imprisonment.

2.

The Defendant by and through her Counsel shows that neither have the technical expertise with computers nor the software necessary to search this voluminous number of documents to ascertain which documents may be potentially incriminating or exculpatory to the Defendant.

3.

The Defendant shows that her current undersigned Counsel was appointed to represent her on or about February 25, 2013, although the investigation of this case by the Government has been ongoing for approximately four years.

4.

The Defendant shows that the lack of the appropriate search software and technical support will severely limit her ability to access and analyze the evidence provided to her by the Government and without such software and technical support any efforts to access and analyze the documents will amount to nothing more than searching for a needle in a haystack.

5.

The Defendant shows that she has, through her Counsel, contacted four different entities regarding the cost of obtaining search software in a hosted environment and for the technical support assistance necessary to search the vast number of documents obtained by the Government in this case and that each of these entities listed below have submitted a Proposal, copies of which will be attached hereto in a Sealed Supplement if so Ordered by the Court.

1. Xerox Litigation Services, Norwalk, Conn. - Exhibit A
2. DTI, Atlanta, Georgia - Exhibit B
3. Paragon Legal Technology, Atlanta, Georgia - Exhibit C
4. Lexis-Nexis Hosted Services, Chicago, Illinois (2 Options) - Exhibit D

6.

The Defendant by and through her Counsel shows that neither she nor her Counsel have the expertise to implement the setup of the software program and operate same in searching the numerous documents obtained by the Government in its prosecution against her in this matter.

7.

The Defendant shows that the office of her Counsel has obtained and utilized the services of Chris Hall, Computer Consulting, 1501 Third Avenue, Albany, Georgia, 31707 who has the technical expertise in the operation of computers and the installation of software and that her said Counsel out of necessity has obtained the services of Chris Hall as set out in his Invoice and Quote as shown in the attached Exhibit E.

8.

The Defendant by and through her Counsel asks that the Court approve the past and future services of Chris Hall as needed upon his submission of statements verifying the provision of such services.

9.

The Defendant by and through her Counsel requests that the Court inquire into the attached proposals from the software entities shown as Exhibit A, B, C and D and authorize the payment for one of these entities or another entity approved by the Court for providing search software and technical assistance to search the voluminous number of documents in this matter.

10.

The Defendant by and through her Counsel requests a closed Hearing on the matter of this Motion and the selection of the search software program proposals and technical support which are submitted in a Supplement to this Motion under Seal.

11.

The Defendant shows that the Proposals submitted by four software contractors listed below as Exhibits A, B, C and D and the Invoice and Quote from Chris Hall listed below as

Exhibit E contain proprietary and confidential information, and the Defendant has respectfully requested that the Court issue an Order permitting the filing of the said five Exhibits under Seal:

1. Proposal from Xerox Litigation Services, Norwalk, Connecticut - Exhibit A
2. Proposal from DTI, Atlanta, Georgia - Exhibit B
3. Proposal from Paragon Legal Technology, Atlanta, Georgia - Exhibit C
4. Proposal from Lexis-Nexis Hosted Services, Chicago, Illinois (2 Options) - Exhibit D
5. Invoice and Quote from Chris Hall, Albany, Georgia - Exhibit E

WHEREFORE the Defendant prays that the Court issue an Order directing the Clerk of Court to file under Seal, until further Order, the said five documents listed above as Exhibits A through E.

This 7th day of June, 2013.

/s/ Thomas G. Ledford
Thomas G. Ledford
Attorney for Defendant,
Mary Wilkerson
State Bar No.: 443087

This document prepared by:
THE LEDFORD LAW FIRM, LLC

BY: /s/ Thomas G. Ledford
Thomas G. Ledford
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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

UNITED STATES OF AMERICA	* CRIMINAL NO. 1:13-CR-00012-WLS-TQL-4 * VIOLATIONS: * 18 U.S.C. SECTIONS 1505.F * 18 U.S.C. SECTIONS 1505.F * *
MARY WILKERSON,	* CERTIFICATE OF SERVICE *

I hereby certify that on June 7, 2013, I electronically filed the foregoing MOTION FOR AUTHORIZATION, BOTH PAST AND FUTURE, OF PAYMENT FOR TECHNOLOGICAL SOFTWARE AND SERVICES FOR DEFENDANT, MARY WILKERSON, with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the Honorable Kenneth Alan Dasher, Assistant United States Attorney and Honorable Patrick H. Hearn, Trial Attorney, U. S. Department of Justice.

This 7th day of June, 2013.

/s/ Thomas G. Ledford
Thomas G. Ledford
Attorney for Defendant,
Mary Wilkerson
State Bar No.: 443087

This document prepared by:
THE LEDFORD LAW FIRM, LLC

BY: /s/ Thomas G. Ledford
Thomas G. Ledford
Attorney at Law
P. O. Box 287
Albany, Georgia 31702
(229) 431-2310
tom@theledfordlaw.com

Beverly Sutton-Herman

From: Tom Ledford <tom@theledfordlaw.com>
Sent: Thursday, April 18, 2013 12:45 PM
To: Beverly Sutton-Herman
Subject: FW: Xerox - Pricing
Attachments: Pricing - Xerox Litigation Services - Project Alpha - 04172013.pdf; image001.jpg

From: Chris Hall [mailto:chrishall@thallcpa.com]
Sent: Thursday, April 18, 2013 11:08 AM
To: tom@theledfordlaw.com
Subject: Fw: Xerox - Pricing

-----Original message-----

From: "Gabriela P. Baron" <Gabriela.Baron@xls.xerox.com>
To: Chris Hall <chrishall@thallcpa.com>
Sent: Thu, Apr 18, 2013 15:04:56 GMT+00:00
Subject: Xerox - Pricing

Chris,
I have attached a comprehensive pricing model for your e-discovery project. Please note that the hosting fees includes unlimited user licenses and unlimited technical support (24x365) for site users (including all reviewers, clients and consultants), as well as all training costs for all reviewers on the site via WebEx.

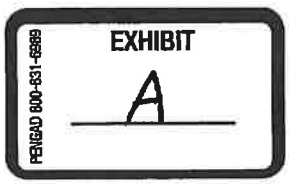
Please note that Xerox does not charge any fees for site setup or licenses; an unlimited number of users (counsel or third party entities) would be able to have access to the data. (There are no "application license costs.")

I would be happy to address any questions you may have on our call. We have several tools which I think could positively impact this project and would welcome the opportunity to work with you on this project. I am very confident of our abilities to handle it successfully.

Thanks again for considering Xerox for this matter and speak soon,
Gaby

Gabriela P. Baron, Esq.
Vice President, Business Development
Xerox Litigation Services
M: 917.750.2590 | Gabriela.Baron@xls.Xerox.com

xerox



xerox

XEROX LITIGATION SERVICES
COMPREHENSIVE PRICING PROPOSAL FOR "PROJECT ALPHA"
SUBMITTED APRIL 17, 2013

SUBMITTED BY GABRIELA P. BARON, ESQ., VICE PRESIDENT (GABRIELA.BARON@XLS.XEROX.COM)

	Processing Fees
DeNISTing of Electronic Data	$0.00 per gigabyte ("GB") of data received.
Pre-Processing of Electronic Data Fees are calculated based on volume of data received following explosion from compression containers and following DeNISTing. ***Note:*** *Pre-Processing Fees only apply if filtering/culling is requested by client for a particular matter. Data may be delivered directly to Processing.*	$70.00 per GB of data received. Pre-Processing Fee includes: • key word filtering; • date culling; • file type culling; and all project management costs related to pre-processing (including reporting on "hits"). **Note**: There are no separate or hourly fees relating to pre-processing of data.
Processing of Electronic Data Fees are calculated based on volume of data remaining following Pre-Processing.	$250.00 per GB of data processed. Processing tiers determined by cumulative volume of data processed over the life of the matter. Processing Fee includes: • processing of native files; • deduplication within custodian; • identification and comparison of near duplicates with Xerox's proprietary comparison functionality; • email threading; • foreign language detection; • text extraction; • metadata extraction; and • all project management costs related to processing. **Note**: Migrations of data repositories hosted internally or on other systems are performed at no charge.
Data Migration from Competitive Platform	$0.00
Loading of Produced Data (i.e., data produced to client, if applicable)	$75.00 per GB, assuming data is provided in an industry-standard load file (i.e., Concordance).
OCR Conversion	$0.02 per page (applies to hard copy only).
TIFF & OCR Loading and Indexing	$0.01 per page (applies to hard copy only).

Hosting Fees	
Site Setup	$0.00
User License Fees	$0.00
Hosting of Data & Access to OmniX™ Review Platform and Tools	$25.00 per GB, per month, of data hosted. Hosting Fee includes: • hosting of Native and TIFF data; • Initial site design and customization; • development time and access to all new tools; • unlimited user licenses and support (24x365) for site users (including all reviewers, clients and consultants); • all training costs for all reviewers on the site via WebEx; and • unlimited printing and downloads at end-user's review site(s). Note: When volume tier threshold is reached, the reduced pricing tier rate will apply to all data hosted on the site.
Archiving	Nearline Storage: Nearline storage of documents is $7.50 per GB, per month. Data must remain in archive status for 3+ months or retroactive hosting fees will apply. Data can be restored to online status within 48 hours. Note: There is no charge to move data to nearline status or to restore it to active status if necessary. Offline Storage: Offline Storage is performed on an hourly basis, an estimate will be provided at the time of request for offline storage. If data must be restored online, Reloading Fees of $150.00 per GB will apply to the restored document population. Restoring documents online will take 2+ weeks.

Maintenance & Development Fees	
System Maintenance and Backup	$0.00 The Hosting Fee includes: • all system maintenance; • backup processes (including the creation and maintenance of secondary and tertiary redundant databases); • real-time intrusion detection; • vulnerability scanning; and • security audits.
Development of New Tools	$0.00 Includes weekly releases of new tools and functionality as it becomes available. This includes release of all tools and functionality developed for other Xerox clients.
Technology Assisted Review / CategoriX Fees **Note: CategoriX fees only apply if technology assisted review is requested for a particular matter.**	
CategoriX – Prioritization	$300.00 per GB. CategoriX includes: • expert linguistic and statistical guidance throughout the initial CategoriX service; • corpus analysis and reporting; and • assignment of documents to prioritized "tiers" for rank-ordered review.
Additional CategoriX Expert and Statistical Consulting	$275.00 per hour. Once the corpus analysis has been issued, client changes to the document population that result in changes to the model and/or re-work will be charged hourly. This includes changes to the document population, adding or removing custodians, etc.
Strategic Search Term Consulting	$275.00 per hour. This value-add service is routinely used by clients to bolster CategoriX Prioritization and/or other filtering strategies.

Managed Review Fees (Alternate Pricing Model: Hourly)	
First Level Review	$50.00 to $60.00 per hour.
Quality Control / Privilege Review	$60.00 to $65.00 per hour.
Review Managers	$75.00 to $125.00 per hour.
Senior Management Coordination	$185.00 to $225.00 per hour.
Managed Review Fees (Alternate Pricing Model: Per Document)	
First Level Review	$1.00 to $1.25 per document. • Pricing includes Quality Control; • Pricing will be generally related to the number of potential decisions to be made per document; and • Pricing may be at the higher end if the review involves greater subject matter complexity; Note: Pricing may be subject to a discount where the review involves a significant volume, i.e., in excess of 1.5MM documents.
Final Privilege Review	$60.00 to $65.00 per hour.
Review Managers	$75.00 to $125.00 per hour.
Senior Management Coordination	$185.00 to $225.00 per hour.
Note: Notwithstanding what has been proposed here, Xerox is open to discussing and agreeing to an alternate pricing structure as client may prefer, provided only that any final pricing model remain commercially viable for Xerox.	

	Production Fees
TIFF Productions (Includes TIFF conversion)	$0.04 per page produced. TIFF Production Fee includes: • TIFF conversion; • multiple stamps/endorsements per page (i.e., production number and "Confidential"); and • creation of load files if required.
TIFF Conversion	$0.02 per page. Converts PDF documents into a TIFF image.
TIFF Productions (documents already in TIFF format)	$0.02 per page. TIFF Production Fee includes: • multiple stamps/endorsements per page (i.e., production number and "Confidential"); and • creation of load files if required.
Native File Productions / Exports	$350.00 per GB.

Professional Fees	
Professional Services	Standard professional fees for client services, including review management, customized reporting, web design and database customization, discovery consulting services, and litigation support are charged at the following hourly rates: Custom Reporting - $185.00 per hour; Programming - $125.00 - $175.00 per hour;* Technical Engineer - $165.00 per hour; Technical Services - $75.00 per hour;* Review Management Services - $185.00 - $225.00 per hour; Expert Testimony - $450.00 per hour; and Search Term Consulting - $275.00 per hour. ** Included in Hosting Fee, applies only to special projects, subject to client pre-approval.*
Hardcopy Fees	
Logical Document Unitization	$0.07 per page.
Coding	$1.10 per document for up to 8 fields.
Scanning	$0.09 per page for Light/Auto; $0.11 per page for Medium; $0.14 per page for Heavy; $0.22 per page for Glasswork; and $1.00 per page for Color.
B&W Printing/Copying	$0.10 for printing of standard 8.5x11 page (unstapled).
Machine/Auto Translation Fees	
Machine / Auto Translation for the following languages: Arabic, Chinese Simplified and Traditional, Dutch, French, German, Hebrew, Italian Japanese, Korean, Polish, Portuguese/Brazilian, Russian, Spanish, Swedish and Danish*. *Note: Other languages will be priced on an as needed basis.	$1,224.00 per GB for 1 – 5 GBs translated; $1,152.00 per GB for 6 – 10 GBs translated; $1,080.00 per GB for 11 – 30 GBs translated; $1,008.00 per GB for 31 – 54 GBs translated; and $936.00 per GB for 55+ GBs translated. • All files delivered at the same time will receive the benefit of the lowest tier pricing; • Files should be in UTF-8 or HTML format up to 50 KB per file; and • Files not in UTF-8 or HTML format and/or are larger than 50 KB per file will incur an hourly fee of $150.00 per hour for formatting and editing. Notes: • There is a minimum charge for the cost of auto translation of 1 GB even if the volume of data to be translated is less than 1 GB. • Clients are able to specify the exact data set to be translated and may apply search terms to the foreign data set to determine general responsiveness before determining whether or not to translate the document. There is no requirement that all foreign text be translated or that all foreign text for a given custodian be translated.
Other Fees	
Out of Pocket Expenses	Out of pocket expenses (shipping, travel, media costs, etc.) are billed at cost.

Tom Ledford

From: Damon R. Stephens <dstephens@dtiglobal.com>
Sent: Friday, April 26, 2013 3:46 PM
To: 'Thomas G. Ledford'
Cc: rjones@dtiglobal.com
Subject: DTI - Services Agreement for Review
Attachments: Services Proposal - The Ledford Law Firm - DRAFT v1.pdf

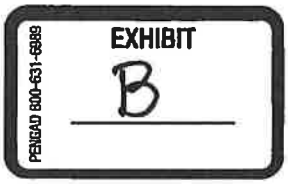
Mr. Ledford,

Great speaking with you yesterday. Please find attached the Services Agreement for your review. Please note there are two distinct options where the attorney review has been segregated out of the first and included on the second. We are available anytime to discuss the services and associated pricing contained therein.

Best regards,

Damon R. Stephens
Senior Litigation Support Consultant, Atlanta LS
DTI
World-class service. Local commitment.
1280 West Peachtree Street
Suite 330
Atlanta, GA 30309
Office: 404.873.2202
Cell: 404.452.1838
Fax: 404.873.2282
Email: dstephens@dtiglobal.com
Web: www.dtiglobal.com

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Services Proposal

Processing, Hosting, Production, Managed Review, and Related Services

Prepared For:
Thomas G. Ledford, Esq.
The Ledford Law Firm, LLC
128 S. Washington Street
Albany, GA 31702

Prepared By:
Reggie Jones – Managing Partner
Damon Stephens – Litigation Support Consultant
Erin Polhemus – Regional Solutions Architect

Date:
April 26, 2013

Confidential Service Proposal – Valid for 30 Days

Proposal Scope:

We understand that The Ledford Law Firm, LLC has been appointed to represent a defendant in a criminal matter currently pending before the United States District Court. As part of this matter, the firm and the firm's client may require assistance from DTI with the processing, searching, hosting, review, and production of Electronically Stored Information (ESI), which has already been acquired.

We understand that the initial phase of this engagement is likely to involve the processing and searching of approximately 2.5 million to 3 million electronic documents, as well as an unknown volume of e-mail (and associated attachments) currently contained within an e-mail database.

We do not yet know the original volume of data that will be received for processing; however, we understand that a variety of criteria, including date range parameters, keyword search terms, and a focus on e-mail communication between specific e-mail accounts will likely be utilized to cull the data set prior to review.

We understand that there are currently believed to be two distinct categories of electronically stored information – including approximately 14 hard disk drives which are believed to contain original forensic images of computers (or other devices), and a second category which is believed to contain a subset of documents extracted from the original forensic images based on criteria and parameters which are currently not known to DTI.

For purposes of this proposal, DTI believes that it is likely that only one or the other of the two distinct categories of information will be advanced forward for processing and searching.

- The advantage of advancing the 14 original forensic images (or the forensic images for only certain custodians) forward for processing is that the culling criteria will be entirely within the control of The Ledford Law Firm (rather than relying on the culling that has already been performed, and which may have already excluded documents that would be relevant for review) as well as preserving the ability of The Ledford Law Firm to elect to undertake a forensic examination of the drives at some point in the future to determine whether or not there are documents (or fragments of documents) which may have been deleted but which may still be present in some form.

- The advantage of advancing only the two drives believed to contain the already-culled subset of the original collection is that a significantly smaller volume of data will be advanced forward for processing and review, resulting in a likely reduction in the overall costs incurred for the processing of ESI.

The approach and methodology that DTI would employ is largely the same regardless of which universe of data is advanced forward for processing – the most significant difference being the volume of data ultimately processed.

Once the data has been processed, we understand that the firm currently anticipates requiring access to the documents within a litigation review database for a period of approximately 24 months.

Technology Recommendation:

As a platform-agnostic company, DTI is constantly evaluating the tools and platforms that are available within the marketplace, and then acquiring or licensing those best-of-breed technologies that offer compelling advantages to our clients. Based on our conversations to date and our work on matters similar in nature to this particular matter, we feel that a customized solution combining the following technologies will best meet the needs of the legal team and the firm's client:



Nuix is a high performance processing and search tool that is ideally suited for rapid indexing and culling (de-duplication, keywords, date range, file location & file type) of very large data collections. Nuix provides enhanced capabilities to support:

- High speed indexing of up to 1 terabyte of data within 24 hours
- Direct ingestion of forensic image formats (EnCase, FTK, DD)
- Direct ingestion of email archive formats (Exchange, Symantec, EMC)
- Direct export of resultant subset of data for native file review in Relativity



Relativity is the premier "next-gen" linear review tool in use today by the top law firms and corporations, and has many enhancements that contribute to improving productivity and accuracy. It is a robust platform for web hosted attorney review and allows for rapid customization of each user's working environment to meet the case team's specific needs.

- Scalability to manage multi-terabyte document collections
- Customized workflow to match case team's needs
- Advanced search, clustering, and data analysis functionality
- Advanced reporting capabilities to track workflow, progress, search and keyword reports

Workflow Recommendation

Based on the conversations that we have had to date, and on our experience with other matters that are similar in size and scope, we believe the workflow for this matter will likely be similar to the following:

- A project kick-off will be scheduled, to include the appropriate members of the legal team, the Primary and Secondary DTI Project Managers, and other resources as necessary to discuss and document the data processing specifications, specific reporting and analysis requirements, the

structure of the review database, the production format requirements (if any), and the anticipated project schedule.

- DTI will create a 'working copy' of the forensically acquired data prior to advancing the data forward for additional filtering, culling and processing.

- DTI will then introduce the 'working copy' of the data into the Nuix data processing platform to enable the extraction of text and metadata, indexing and file type identification:

    - DTI will discuss with the Client our recommendations regarding the specific types of files (if any) which should be excluded prior to review and the de-duplication strategy which should be employed, as well as applying any applicable date range filters, and providing Counsel with reports regarding the overall composition of the data set.

    - Using the culling criteria and keyword search terms provided by Counsel, DTI will prepare reports detailing the number of occurrences of each of the specified search terms which appear within the data set, as well as the total number of documents which would result from the proposed list of search and culling criteria.

- Once Counsel has approved any modifications or revisions to the culling criteria (if any), the remaining records will be exported from the processing platform to allow for review to take place within the Relativity platform.

- Should Counsel elect to utilize a Technology Assisted Review (TAR) workflow, DTI will advance the extracted text from the data set (after de-duplication, the application of date range parameters, and any keyword searching) into the Equivio Relevance platform to allow for the utilization of a TAR workflow, leveraging "machine learning" technology to enable a dramatic enhancement of the efficiency of the review effort through the use of what is commonly referred to as 'Predictive Coding' technology.

    - As part of our Technology Assisted Review workflow and in conjunction with Relativity, DTI will leverage the Equivio technology platform to identify e-mail messages which are part of the same conversation thread, while also identifying documents which are highly similar to one another (based on the percentage of similarity of the text contained within the respective documents) – a process called 'near-duplicate detection.' Utilization of this technology will help to enhance the accuracy and efficiency of the review process.

- Once the 'training' of the Equivio Relevance by the Expert Reviewer(s) reaches optimal stabilization and is deemed to be complete, DTI will export out the ranking information and other values associated with the TAR process, and will then load those values into the Relativity database for further utilization by the review team.

- As instructed by Counsel, DTI will convert specified documents to a TIFF-image based format to allow for redaction, with the resulting images loaded into Relativity to allow for redaction prior to production.

- The specific format and requirements for productions, if any, from Relativity will be discussed and documented during the initial Project Design Call.

- Post-Matter Data Retention and/or Disposition: At the conclusion of the matter, data within the Nuix processing application, Equivio Relevance, and/or Relativity will either be archived or destroyed, pursuant to instructions from the Client.

Project Management Commitment

When you engage with DTI on a project, you should expect as standard:

- An informed support team of Account Executives, Project Managers and Data Analysts who work together to provide a superior level of professional service and care.
- Timely response to your project inquiries throughout the life span of the project.
- Written documentation for the project's design and regular project status reporting.

Price Schedule

Data Processing

Extraction and Conversion Services

Service Description	Unit	Price
Data Extraction (multi-point in/out pricing) Indexing, Metadata Extraction; Native File Linking; De-Duplication; Standard Native Data Load File with Standard Fields; Exception Report *The billable data volume for ingestion is calculated as the ingestion ready data volume prior to filtering or de-duplication. Ingestion Ready Raw Data refers to the size of the data as it is ready to be processed, after preparatory steps are performed (if needed). Preparatory steps may include decryption of media, extraction of data from root containers or forensic images.* *The billable data volume for the resulting set is calculated as the uncompressed data remaining after all culling and filtering is completed.*	Per GB In/Out	$100 Per GB Ingestion $350Per GB Resulting Set
Long-term Processed Data Repository (off-line storage in processing environment) For projects with long-term data retention requirements in processing environment (Nuix, eCapture, Workflow Services) for repeated search and culling activities against the entire data corpus	Per GB	$5 First Three Months Waived

Additional Processing Services

Service Description	Unit	Price
Data Analysis and Search Development These consultative services are typically performed on our client's data in an effort to execute and potentially refine the keywords being proposed. During this process, a DTI search expert would work in collaboration with the case team to develop search syntax, test results, and revise the search criteria as necessary in an iterative process through completion.	Per Hour	$225
Decryption of media utilizing individual file level encryption	Per Hour	$150
Password Decryption Service includes manual application of client-provided passwords or application of brute force methods to identify the password	Per Hour	$150
Near Duplicate and Email Thread Identification	Per Document	$0.05
OCR (Optical Character Recognition) – Non-searchable files	Per Page	$0.03
Image Extraction - Encase, Ghost, FTK - Includes catalog	Per Image	$200
Subset Tiff Conversion/Export (Post Attorney review)	Per Page Or Per GB	$0.02 $500
PDF Conversion/Export (In addition to standard Tiff Conversion fee)	Per Page	$0.01
Color Images (In addition to standard Tiff Conversion fee)	Per Page	$0.02
Image Endorsing (In addition to standard Tiff Conversion fee)	Per Page	$0.01

Hosting and Review Platform Services

Review Platform Services

Service Description	Unit	Price
Data Loading Upload *import ready* Native, TIFF or Mixed TIFF/Native ESI with load file	Per GB	$40
Database Design	Per Hour	$225
Monthly User Fees *Hosting recurring fees are billed for the next month and must be cancelled by the 25th of the month to avoid incurring the following month's charges. No hosting user or data fees can be prorated.*	Per User	$95
Monthly Data Storage *Measured as the total size on disk of native files, TIFs, and full text (or OCR)* *$500 Monthly Minimum Fee*	Per GB	$35

Hosting recurring fees are billed for the next month and must be cancelled by the 25th of the month to avoid incurring the following month's charges. No hosting user or data fees can be prorated.		
Relativity Analytics (Relativity Platform Only) *Data volume calculation based on data promoted to review GB counts are calculated for Native documents that are indexed through Content Analyst, and charges related to TIFF images (through their related OCR text) are calculated through an "extrapolated" GB amount (11,750 "non-native" documents = 1GB)*	Per GB	$95
Relativity Redaction Assistant (Relativity Platform Only) Automated redaction of repetitive text patterns, pages and page ranges	Per GB	$25
Monthly Relativity Deployment via Terminal Services Access *As an alternate method to the default standard of accessing via a standard browser session, an alternate access method through Windows Remote Desktop Services will be provided for an additional monthly fee.*	Per User	$30

Technology Assisted Review Services

Equivio Relevance Predictive Coding

Service Description	Unit	Price
Equivio Relevance Predictive Coding Service	Document	$0.10

Additional Technology Assisted Review Services

Service Description	Unit	Price
Advanced Search and Analytics Consulting	Hour	$350
Near Duplicate and Email Thread Identification	Per Document	$0.05
Relativity Analytics (Relativity Platform Only) *Data volume calculation based on data promoted to review GB counts are calculated for Native documents that are indexed through Content Analyst, and charges related to TIFF images (through their related OCR text) are calculated through an "extrapolated" GB amount (11,750 "non-native" documents = 1GB)*	Per GB	$95

Managed Document Review Services

Document review services are to be performed by persons as specified below. Review will take place within one of DTI's turn-key Review Centers. The hourly price below will be billed in 15-minute increments and is inclusive of labor, active management, physical review room, workstation, IT network infrastructure, and technical support.

DTI is also capable of providing onsite support if preferred for specific projects. Pricing for onsite support is dependent upon location and will be provided upon request.

Overtime is subject to approval by client and will be billed at 1.5x the standard rate.

Service Description	Unit	Price
Document Reviewer (Licensed Attorney)		
Major Market A: Los Angeles, New York or San Ramon	Per Hour	$55
Major Market B: Washington, D.C.	Per Hour	$48
Alternate Market:	Per Hour	$45
Document Reviewer (J.D. or Paralegal)		
Major Market A: Los Angeles, New York or San Ramon	Per Hour	$48
Major Market B: Washington, D.C.	Per Hour	$44
Alternate Market:	Per Hour	$39
Reviewer QC/Team Lead		
Major Market A: Los Angeles, New York or San Ramon	Per Hour	$60
Major Market B: Atlanta, Houston or Washington, D.C.	Per Hour	$55
Alternate Market:	Per Hour	$50
Junior Project Manager	Per Hour	$95
Senior Project Manager	Per Hour	$150
Document Review (per document rate) The document review service includes: • Licensed attorney reviewers • Space and computers in an Alternate Market DTI review center • Review of documents for responsiveness/non-responsiveness, potentially privilege and up to 5 issue categories • Assumes English language documents only Review Project Management, Privilege Logging, and Redaction Services are offered separately at an hourly rate.	Per Document	$1.00
Onsite Review	Available upon request	
Foreign Language Review	Available upon request	
Alternate Pricing Models	Available upon request	

Post Review Production Services

Service Description	Unit	Price
Subset Tiff Conversion/Export (Post Attorney review) *The billable data volume is calculated as the uncompressed native data submitted for TIFF conversion.*	Per GB	$500
PDF Conversion (In addition to standard Tiff Conversion fee)	Per Page	$0.01
Color Images (In addition to standard Tiff Conversion fee)	Per page	$0.02
Image Endorsing (In addition to standard Tiff Conversion fee)	Per Page	$0.01

Native Production/Export *The billable data volume for the per GB rate is calculated as the uncompressed native data submitted for export.*	Per GB	$50
Printing (blowback)	Per Page	$0.07
OCR (Optical Character Recognition) – Redacted Documents	Per Page	$0.03
CD Media	Each	$20
DVD Media	Each	$40
Flash Drive	Each	$50
Hard Drive	Each	$250
Shipping		Cost + 50%

Professional Services

Service Description	Unit	Price
Project Management Monday - Friday, 8:00 am to 6:00 pm [Eastern Time Zone] Billed in 30 minute increments PM Time that does not incur charges to the client • Design Meeting/Manual • Initial software training session • Work order creation/submission • Case status updates (standard DTI format) PM Time that does incur charges to the client • Performing software functions on client's behalf • Creation and management of Review Assignments • Bulk Tagging • Production Management • Quality control of third party processed data • Time involved fulfilling a custom request, research or analysis • Generation of custom reports	Per Hour	$195
After Hours Project Management Monday - Friday, after 6:00 PM [Eastern Time Zone] and Saturday/Sunday / Holidays. Minimum one hour, billed in 30 minute increments after the first hour. Same criteria for billable events as is listed above.	Per Hour	$295
Technical Services Custom reporting; out-of-scope technical tasks	Per Hour	$150
Custom software development services (e.g. Relativity Event Handlers)	Per Hour	$250
User Training (Web Conference Session)	Per Hour	$195

DTI provides the first user training session for a case at no charge		
In-Person Training Session *Minimum 4 hours*	Per Hour	$195 plus T/E
Consulting Services		Quoted per Project

Data Disposition (Deactivation)

Service Description	Unit	Price
Data Destruction	Quoted per Project	
Monthly Data Retention online – Dormant Status Single User Access to read only database *$500 Monthly Minimum Fee*	Per GB	$5
Re-Activation of Dormant database	Per Database	$1,000
Final Export of items All data active in Client's review site will be exported in native format. The native production will include emails, attachments, standalone files and standalone images or scanned sets. A delimited metadata file will accompany the export. The fields included in the metadata file will be those fields available in the Standard Field List. The subjective data will reflect the current state of items at the time of export.	Per GB	$50

Cost Estimate

Project cost estimates reference assumptions outlined in this statement of work. DTI provides this cost estimate for planning purposes only. All fees will be invoiced using actual quantities at quoted unit prices.

For purposes of this estimate, we are assuming that the client elects to advance only the two hard drives containing the already-culled data set forward for processing and searching. We are also assuming that the total universe of documents contained on these two drives is approximately 3 million, and that each document is approximately 50 KB in size (resulting in approximately 150 GB of data for indexing). In addition, we are assuming that 25% of the initially-indexed volume of documents meet the search criteria and are advanced forward for review within the hosting platform

Service Description	Unit	Unit Price	QTY	Extended Cost
Indexing of Data to Enable De-Duplication, Searching & Filtering	Per GB	$100.00	150	$15,000
Data Analysis, Search Development and Reporting	Per Hour	$225.00	5	$1,125

OCR of Documents Without Extracted Text to Enable Searching	Per Page	$0.03		
Export of Potentially Responsive Data for Native Review	Per GB	$350.00	37.5	$13,125
Relativity Database Design	Per Hour	$225.00	1	$225
Relativity Data Load Fee	Per GB	$40.00	37.5	$1,500
Monthly Relativity User License Fee (Recurring)	Per User	$95.00	4 Users 24 Months	$9,120
Monthly Relativity Data Storage Fee (Recurring)	Per GB	$35.00	37.5 GB 24 Months	$31,500
Project Management (As Needed)	Per Hour	$195.00		
Conversion of Responsive Documents to TIFF for Production	Per GB	$500.00		
Image Endorsing for Production	Per Image	$0.01		
OCR of Redacted Images (if necessary)	Per Image	$0.03		
Production Media (Assumed to be DVD)	Per DVD	$40.00		
Data Disposition/Archiving – Final Export (Optional)	Per GB	$50.00		Plus Cost of Media
Attorney Review (*This is an estimate based on 300,000 documents being reviewed at the rate of 300 documents per eight hour day at the combined rate of $50/HR)	Per Hour	Overall Cost		$400,000
Option #1: Estimated Project Total for Items Where Quantity Estimates Can be Made				**$71,595**
Option #2: Estimated Project Total Should DTI be Requested to Provide Attorney Review in Addition Option #1				**$471,595**

About DTI

DTI – World Class Technology | Local Commitment

For more than 20 years, DTI has provided e-discovery services to law firms and corporations using our national footprint in a consistent, flexible and cost-conscious manner. Our team works with a variety of industry-leading technologies to design efficient workflows for each specific project. Our scalable operation and experience in thousands of matters reduces risk throughout the discovery lifecycle and has led to long-standing repeat business relationships from several Fortune 100 companies and NLJ 250 law firms.DTI's

recognized industry expertise, corporate profitability and long record of customer satisfaction is a valuable asset to our clients.

In September of 2010, DTI acquired Daticon EED. DTI and Daticon EED's combined operations strengthen its position as a top tier discovery service provider that can offer both corporate law departments and law firms the infrastructure of a large, national company.

Why Choose DTI?

Comprehensive Solutions

A true "one-stop shop," DTI brings together a value proposition unlike any in the industry:

- Complete solutions— E-discovery, web hosting, scanning and indexing
- Dedicated project managers
- Top-notch consultants and strategists
- National-scale resources
- Local and national production capabilities

DTI Process

The DTI Project Management and service delivery methodology incorporates best-in-class client care along with years of industry experience. With a client-centered focus, a consultative approach is applied to problem solving, project definition gathering, tracking and reporting. The following are the key components of the methodology.

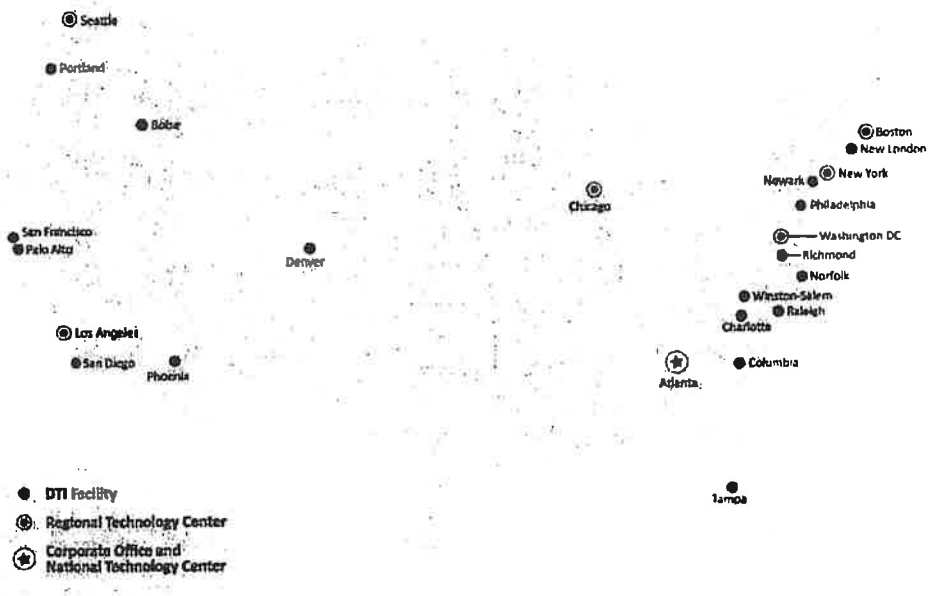
- **Statement of Work** – The foundation of project planning and overall expectation setting for project goals and requirements
- **Project Definition and Planning Process** – The Project Management team is involved at the beginning of the project's life cycle, working with the Sales team to ensure that all requirements, assumptions and deliverables are defined and documented first in the Statement of Work (SOW) and then later with the Operation Managers to generate a Project Design Manual.
- **Project Design Meeting/Manuals** - The project specifications are gathered during the Project Design Meeting and then documented in the Project Design Manual serves as the foundation for the overall strategy and expectation setting of the project
- **Ongoing Communication with Clients** - Throughout the project definition and planning process, DTI will provide documentation and reporting for our accountability and your peace of mind. Summary reporting based on project specific metrics such as custodian, item and file type will also be provided, as well as Search Term Frequency Reports for data culling optimization, cross-reference reports and privilege logs.

Capacity

Whether it's scanning a million pages in a month or hosting a terabyte of data for a national discovery repository, DTI has the capacity to complete your most complex projects. When it comes time to produce in

volume — whether for discovery, regulatory matters or DOJ second requests — DTI has the strategy and the professionals from coast to coast to be a single-source provider for all your needs.

Production Center Locations



The Most Flexible and Creative Company in Our Industry

In the end, our greatest strength is that we are the most flexible, creative and service-driven company in the litigation support industry. We provide our customers a "holistic" solution— one that encompasses the best professionals, the best available technology and the best developed processes.

Conclusion

Thank you for providing DTI with the opportunity to work with you and your client on this important project. Having successfully performed engagements for similarly situated clients, we are confident that we can deliver high value work product that will significantly benefit The Ledford Law Firm, LLC and the firm's client. Please let me know if you have any questions about our proposal or need any additional information.

Sincerely,

Reggie Jones
Managing Partner
DTI
1280 West Peachtree Street
Suite 330
Atlanta, GA 30309

Office: (404) 873-2202
Cell: (678) 654-8450

Tom Ledford

From: Chris Hall <chrishall@thallcpa.com>
Sent: Thursday, May 09, 2013 3:23 PM
To: Tom Ledford (tom@theledfordlaw.com)
Subject: FW: Paragon referral / Pricing (Please keep confidential)
Attachments: Ledford_Hall Pricing.pdf

Mr. Ledford,
Here is the pricing from Paragon. They would be glad to do another phone call if we have any questions. Like I said, Michael Fain seemed to me to be the easiest to talk to so far.

I'm still waiting on a call back from Concordance.

Thanks,
Chris

From: Michael Fain [mailto:mfain@paragonafa.com]
Sent: Thursday, May 09, 2013 3:21 PM
To: Chris Hall
Subject: RE: Paragon referral / Pricing (Please keep confidential)

Here you go. Will this work or do you want just plan letter head? I went ahead and readjust a few line items regarding pricing sine it sounds like that's is all they are looking for at this time. Let me know if there is anything else I can do.

Thank you.

Best Regards,

Michael Fain
Vice President of Sales & Operations

Paragon Legal Technology Support
www.paragonafa.com

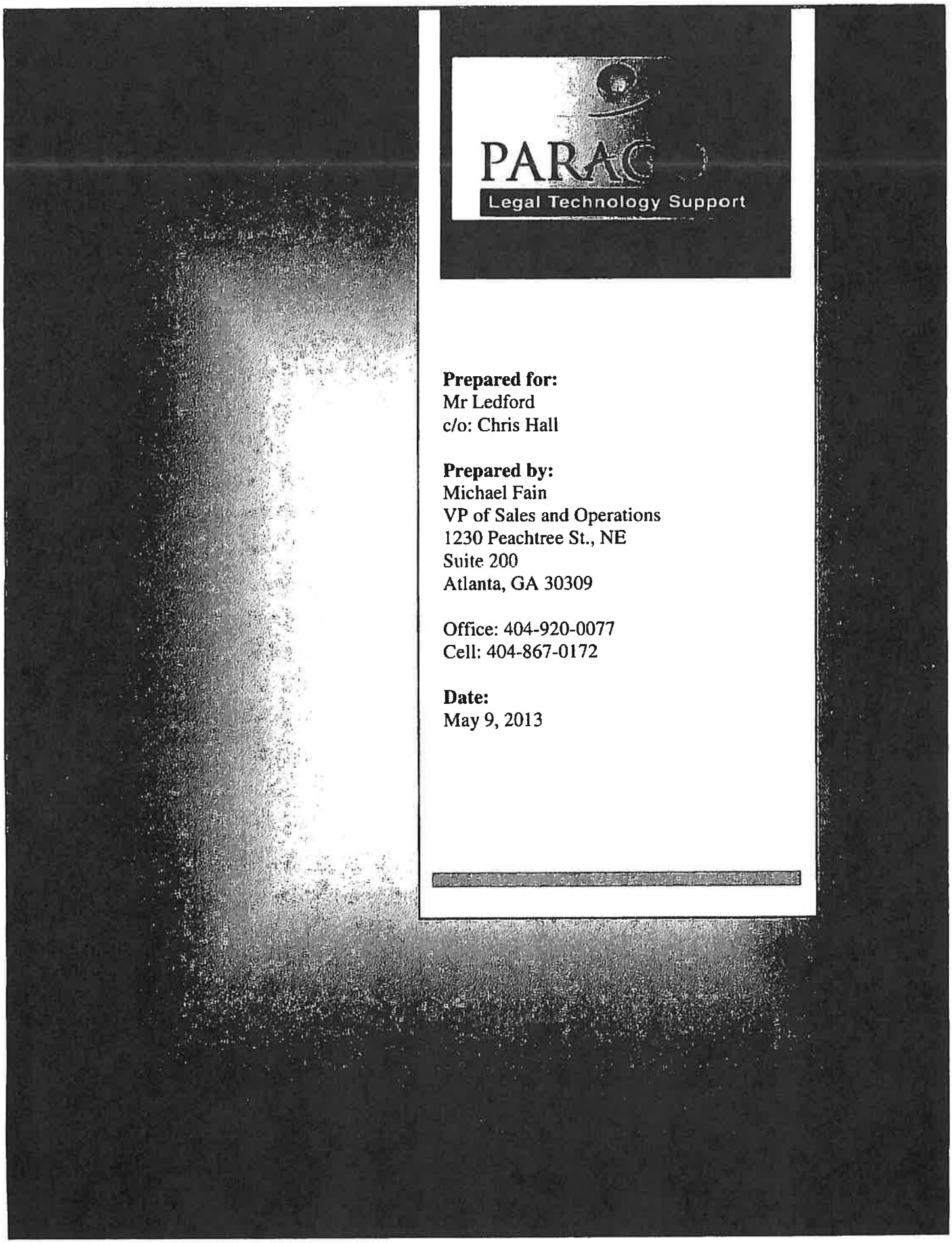
See **XERA Now!**

Cell: 404.867.0172
Office: 404.920.0077
Fax: 404.920.0080
mfain@paragonafa.com

PARAGON
Legal Technology Support
A Firm Advantage



This e-mail transmission and any documents, files or previous e-mail messages attached to it, are confidential. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any review, disclosure, copying, dissemination, distribution or use of any of the information contained in, or attached to this e-mail transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify me by forwarding this e-mail to mfain@paragonafa.com or by telephone at 404-867-0172 and then delete the message and its attachments from your computer.



Prepared for:
Mr Ledford
c/o: Chris Hall

Prepared by:
Michael Fain
VP of Sales and Operations
1230 Peachtree St., NE
Suite 200
Atlanta, GA 30309

Office: 404-920-0077
Cell: 404-867-0172

Date:
May 9, 2013

Pre-Processing & Processing cost

Initial Data Filtering in Tunnel Vision

- Culling $55/GB**
- Ingestion of data to include:
  (i) Advise client in formulation of list of key word terms/phrases
  (ii) Culling including De-duplication, File Type Filter, Date Filter, Key Word Searches
  (iii) Two (2) searches (a search constitutes a single set of search terms and date restriction);
  (iv) A search term hit report will be provided after each set of search terms is applied.
  (v) Five (5) Standard reports will be provided after ingestion of the data.
    1. Snapshot Report
    2. ESI Summary – By Custodian
    3. Potentially Scanned Docs Report
    4. File Type Listing
    5. Sender/Recipient Domain Report

** Price per GB is based upon uncompressed data size

Processing Fees

- Option 1 – Image, metadata, text and link to native $375/GB
  - Excel Docs: tiff up to 100 pages or place holder provided and link to native (If need tiff all; .01 per image over 100 pages.)
- Option 2 – Native processing $275/GB

Hosting Pricing

Hosting in Xera

- Matter Setup (One Time Fee) $500/Database
- Data Ingestion Fee (One-Time Fee) **Waived** $15/GB
- Monthly Hosting/Storage Fee $15/GB/Month
- User Setup Fee (One-Time Fee) **Waived** $125/User
- Monthly User Fee $115/User/Month
- User Training (**WAIVED**[1] for initial training) $275/Hour
- Basic Analytics if needed (One Time Fee) $50/GB
  - Includes: Near Duplicate Identification; Email Threading
- Full Analytics if needed (One Time Fee) $150/GB
  - Includes: Concept Clustering; Near Duplicate Identification; Email Threading; Find Similar; Xmplar (Custom Find similar)

[1] Training fees will be waived for the initial training provided by Paragon. Training fees will be incurred on all subsequent training requests at a rate of $250/hour.

Production Costs

o Tiff conversion (Subset Tiffing if needed)	$0.02/page
o PDF conversion	$0.01/page
o OCR $0.02/page	
o Bates numbering and designation branding	$0.01/page
o Production media	
o CD	$15.00/each
o DVD	$25.00/each
o Standard External hard drive	$150.00/each

Professional Services

o Project Management	$150/hour*
o Technical Support	$150/hour*
o Hosting Technical Support	$150/hour*

* All hourly fees will be submitted to the client for pre-approval before costs are incurred.

❖ *In order to conclude monthly hosting billing, cancellation/user removal requests must be made prior to the 25th of the month. A monthly hosting invoice will follow. If a request is made after the 25th of the month, the subsequent month will also be billed.*

Forensic Collection (If needed)

o In-house Forensic Collection (at our facility)	$250/hour
o On-site Forensic Collection	$325/hour

*Please note, hourly rate can change if we have to go outside our network for a forensic specialist.

We can handle hard copy docs if needed as well (Will quote these cost if requested and needed)

Tom Ledford

From: Chiles, Daniel D. (LNG-HBE) <dan.chiles@lexisnexis.com>
Sent: Wednesday, May 29, 2013 12:44 PM
To: tom@theledfordlaw.com; chrishall@thallcpa.com; Chiles, Daniel D. (LNG-HBE)
Cc: Martin, Tom (LNG-HBE)
Subject: RE: Lexis Hosted Services Follow-up

Hi Tom and Chris,
How are you? Since we now have the data size and know the formatting of the second drive, I wanted to share a more accurate price estimate.

Please let me know if you have any questions and what our next steps should be.

Thanks.
Dan

Hosted Concordance FYI Pricing Estimate:
This estimate assumes:

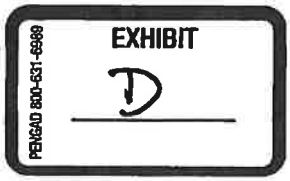
1. month to month term
2. due to email data size Concordance FYI is the most logical service choice
3. 266 GBs of data from the 2 drives (241 GBs from the PCA drive and 25 GBs from the Grand Jury Drive)
4. Additional Tech time for any Data Corruption – this is a worst case scenario/protection to understand potential costs
5. 3 users

One-Time Costs:
Case Set-up Fee: $250
User Set-up Fee: $50 per user x 3 users = $150
Data upload Fee: $15 per GB x 266 GBs = $3,990
Additional Tech Time for any Data Corruption: $175 per hour x 10 hours = $1,750
Total: $6,140

Monthly Recurring Costs:
User Access Fees: $79 per user x 3 users = $237
Data Hosting Fees: $16 per GB x 266 GBs = $4,256
Total: $4,493

From: Chiles, Daniel D. (LNG-HBE)
Sent: Monday, May 20, 2013 3:50 PM
To: tom@theledfordlaw.com; chrishall@thallcpa.com; Chiles, Daniel D. (LNG-HBE)
Subject: Lexis Hosted Services Follow-up

Hi Tom and Chris,
Thanks for taking the time to meet with us last Friday to review the type of data you have. As a result of that meeting, our team is confident you will not have to process the data for ingestion into our hosted service assuming the Grand Jury drive is the same format.



Based upon what we know so far below are several estimates on what to expect for the one-time and monthly recurring costs. Once we've had a chance to review the Grand Jury drive or get a total data count from it, I'll be able to provide a final estimate for our services.

I don't want to ramble on too long but we have 2 different options you can choose from for a hosted service from Lexis. One is called Hosted Concordance FYI and the other is called Hosted Concordance Evolution. FYI is more cost efficient while Evolution has more features and abilities to group large amounts of emails. If we find that the Grand Jury drive has a ton of emails you might want to utilize the Evolution service. However, we can move you from FYI to Evolution at any time.

I wanted you to keep this in mind as I present pricing estimates for each below. Once we have more info on the Grand Jury drive our team will be able to help guide you to the appropriate solution.

Please let me know if you have any questions and once you get another copy of the Grand Jury drive.

Thanks.
Dan

Hosted Concordance FYI Pricing Estimate:
This estimate assumes:

1. month to month term
2. 241 GBs of data from the PCA drive
3. Assumes the same amount of data from the Grand Jury drive – 241 GBs (this is a guess until we see the drive)
4. Additional Tech time for any Data Corruption – this is a worst case scenario/protection to understand potential costs
5. 3 users

One-Time Costs:
Case Set-up Fee: $250
User Set-up Fee: $50 per user x 3 users = $150
Data upload Fee: $15 per GB x 482 GBs = $7,230
Additional Tech Time for any Data Corruption: $175 per hour x 10 hours = $1,750
Total: $9,380

Monthly Recurring Costs:
User Access Fees: $79 per user x 3 users = $237
Data Hosting Fees: $16 per GB x 482 GBs = $7,712
Total: $7,949

Hosted Concordance Evolution Pricing Estimate:
This estimate assumes:

1. month to month term
2. 241 GBs of data from the PCA drive
3. Assumes the same amount of data from the Grand Jury drive – 241 GBs (this is a guess until we see the drive)
4. Additional Tech time for any Data Corruption – this is a worst case scenario/protection to understand potential costs
5. 3 users

One-Time Costs:
Case Set-up Fee: $250
User Set-up Fee: $50 per user x 3 users = $150
Data upload Fee: $15 per GB x 482 GBs = $7,230

Additional Tech Time for any Data Corruption: $175 per hour x 10 hours = $1,750
Total: $9,380

Monthly Recurring Costs:
User Access Fees: $97 per user x 3 users = $291
Data Hosting Fees: $16 per GB x 482 GBs = $7,712
Total: $8,003

Notes (for tracking purposes):

1. 1 drive totaling 241 GBs of data in a Concordance load file(s) titled PCA
2. 1 drive totaling ? GBs of data in a ? titled Grand Jury
3. 14 other hard drives containing all the original/raw data that was used/combined into the 2 above drives that has been processed and Concordance load files created.
4. At some point, Tom might want Lexis to validate that the 2 processed data drives contain all of the data contained on the 14 original hard drives using mirroring/copies and matching unique field identifiers (hash tags).

.....

Dan Chiles
Managed Technology Solutions Manager
LexisNexis
70 W Madison
Suite 2200
Chicago, IL 60602

dan.chiles@lexisnexis.com
773-551-9130 (mobile)

- Please consider the environment before printing
- **Save Paper** – Do you really need to print this email?

Tom Ledford

From: Chiles, Daniel D. (LNG-HBE) <dan.chiles@lexisnexis.com>
Sent: Tuesday, June 04, 2013 1:30 PM
To: tom@theledfordlaw.com; chrishall@thallcpa.com
Cc: Martin, Tom (LNG-HBE); Chiles, Daniel D. (LNG-HBE)
Subject: RE: Lexis Hosted Services Follow-up

Hi Tom,
Per our discussion yesterday, you have 2 options at your disposal to help reduce the overall amount of data you need to review. I've outlined the options below.

If you have any questions please let me know.

Thanks.
Dan

Option 1: Early Data Analysis of the Native Files
This option would utilize the application we own/operate called Early Data Analyzer (EDA). We would need all of the native files (which you have) and use keyword searches to hopefully narrow the data set that will be reviewed.

Potential Problems: It may be difficult to match up the record sets in EDA since the data has been processed already. However, there is a likelihood the files are named based on DocID or control number. The other concern is the value for the cost. You would have to pay a per GB fee of $50 per GB or $13,300 to search all of the documents and it might only reduce the data set by 3%, 5%, etc. It could also reduce it by 80% as well. We won't know until we actually perform the work.

Cost: $50 per GB or for 266 GBs of total data = $13,300.

Option 2: Utilize Hosted Concordance FYI to do the first keyword search or pass of the larger data set, then reduce it and remove the excess data not needed
This option would utilize the Hosted Concordance platform to narrow the overall data set. In this scenario, you would be responsible for doing the searches, creating tags and telling us what tagged docs to move to a new database so the smaller data set is reviewed vs. the original, larger data set of 266 GBs. (We would take the original database offline and leave you with a smaller database to complete your review resulting in a smaller monthly recurring cost.)

Potential Problems: It would be your responsible to do the keyword searches and tag the relevant documents (first pass) so you can reduce the amount of data hosted and then reduce the monthly recurring cost. If you did this within a 30 day window you would only be charged for the reduced data size.

Cost: No additional costs. The sample pricing structure below would apply ($79 per user per month and $16 per GB per month over 250 GBs of total data).

From: Chiles, Daniel D. (LNG-HBE)
Sent: Wednesday, May 29, 2013 11:44 AM
To: tom@theledfordlaw.com; chrishall@thallcpa.com; Chiles, Daniel D. (LNG-HBE)



Cc: Martin, Tom (LNG-HBE)
Subject: RE: Lexis Hosted Services Follow-up

Hi Tom and Chris,
How are you? Since we now have the data size and know the formatting of the second drive, I wanted to share a more accurate price estimate.

Please let me know if you have any questions and what our next steps should be.

Thanks.
Dan

Hosted Concordance FYI Pricing Estimate:
This estimate assumes:

1. month to month term
2. due to email data size Concordance FYI is the most logical service choice
3. 266 GBs of data from the 2 drives (241 GBs from the PCA drive and 25 GBs from the Grand Jury Drive)
4. Additional Tech time for any Data Corruption – this is a worst case scenario/protection to understand potential costs
5. 3 users

One-Time Costs:
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User Set-up Fee: $50 per user x 3 users = $150
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Additional Tech Time for any Data Corruption: $175 per hour x 10 hours = $1,750
Total: $6,140

Monthly Recurring Costs:
User Access Fees: $79 per user x 3 users = $237
Data Hosting Fees: $16 per GB x 266 GBs = $4,256
Total: $4,493

From: Chiles, Daniel D. (LNG-HBE)
Sent: Monday, May 20, 2013 3:50 PM
To: tom@theledfordlaw.com; chrishall@thallcpa.com; Chiles, Daniel D. (LNG-HBE)
Subject: Lexis Hosted Services Follow-up

Hi Tom and Chris,
Thanks for taking the time to meet with us last Friday to review the type of data you have. As a result of that meeting, our team is confident you will not have to process the data for ingestion into our hosted service assuming the Grand Jury drive is the same format.

Based upon what we know so far below are several estimates on what to expect for the one-time and monthly recurring costs. Once we've had a chance to review the Grand Jury drive or get a total data count from it, I'll be able to provide a final estimate for our services.

I don't want to ramble on too long but we have 2 different options you can choose from for a hosted service from Lexis. One is called Hosted Concordance FYI and the other is called Hosted Concordance Evolution. FYI is more cost efficient while Evolution has more features and abilities to group large amounts of emails. If we find that the Grand Jury

drive has a ton of emails you might want to utilize the Evolution service. However, we can move you from FYI to Evolution at any time.

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Please let me know if you have any questions and once you get another copy of the Grand Jury drive.

Thanks.
Dan

Hosted Concordance FYI Pricing Estimate:

This estimate assumes:

1. month to month term
2. 241 GBs of data from the PCA drive
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User Access Fees: $79 per user x 3 users = $237
Data Hosting Fees: $16 per GB x 482 GBs = $7,712
Total: $7,949

Hosted Concordance Evolution Pricing Estimate:

This estimate assumes:

1. month to month term
2. 241 GBs of data from the PCA drive
3. Assumes the same amount of data from the Grand Jury drive – 241 GBs (this is a guess until we see the drive)
4. Additional Tech time for any Data Corruption – this is a worst case scenario/protection to understand potential costs
5. 3 users

One-Time Costs:
Case Set-up Fee: $250
User Set-up Fee: $50 per user x 3 users = $150
Data upload Fee: $15 per GB x 482 GBs = $7,230
Additional Tech Time for any Data Corruption: $175 per hour x 10 hours = $1,750
Total: $9,380

Monthly Recurring Costs:
User Access Fees: $97 per user x 3 users = $291
Data Hosting Fees: $16 per GB x 482 GBs = $7,712
Total: $8,003

Notes (for tracking purposes):

1. 1 drive totaling 241 GBs of data in a Concordance load file(s) titled PCA
2. 1 drive totaling ? GBs of data in a ? titled Grand Jury
3. 14 other hard drives containing all the original/raw data that was used/combined into the 2 above drives that has been processed and Concordance load files created.
4. At some point, Tom might want Lexis to validate that the 2 processed data drives contain all of the data contained on the 14 original hard drives using mirroring/copies and matching unique field identifiers (hash tags).

.....

Dan Chiles
Managed Technology Solutions Manager
LexisNexis
70 W Madison
Suite 2200
Chicago, IL 60602

dan.chiles@lexisnexis.com
773-551-9130 (mobile)

- Please consider the environment before printing
- **Save Paper** – Do you really need to print this email?

Chris Hall
Computer Consulting
1501 Third Ave
Albany, GA 31707
Tel: (229) 881-6212 Fax: (229) 883-0049
Email: chrishall@thallcpa.com

Invoice

Bill To:

Ledford Law Firm
628 Pine Ave.
Albany, GA 31701
Case: MARY WILKERSON

Date	Invoice #
6/7/2013	3126

Date	Description	Time (Hrs)	Billed (Hrs)	Amount
4/16/2013	Initial meeting with Mr. Ledford to learn about technical services I may be able to assist with for the case involving Mrs. Mary Wilkerson.	.5	0	0.00
4/16/2013	Research for e-discovery service providers including calls to various companies including: Symantec Clearwell eDiscovery, DTI in Atlanta Xerox Litigation Services, Paragon Legal Technology Support, & LexisNexis Concordance Dept.	3+	2	150.00
	Met with Mr. Ledford to call Patrick Hearn - US Attorney regarding data and media. Not sure about the date, but I believe it was 4/17/201	.5	0.5	37.50
4/18/2013	Conference call with Gabriela P. Baron, Esq. from Xerox Litigation Services	1	1	75.00
4/25/2013	Conference call with Reggie Jones from DTI in Atlanta	1	1	75.00
5/17/2013	Installed encryption software on a laptop and meeting with Mrs. Wilkerson to show her how to access the data drive.	2	2	150.00
6/17/2013	Meeting with Mrs. Wilkerson and conference call with Dan Chiles of Lexis-Nexis. Had issue with not being able to access one of the data drives.	2	2	150.00
5/21/2013	Meeting with US Attorney in Albany Federal Courthouse to discuss issues with data drive. Informed US Attorney of conflicting serial numbers on the drives	1	1	75.00
			Total	
			Payments/Credits	
			Balance Due	

EXHIBIT
tabbies
E

Chris Hall
Computer Consulting
1501 Third Ave
Albany, GA 31707
Tel: (229) 881-6212 Fax: (229) 883-0049
Email: chrishall@thallcpa.com

Invoice

Bill To:

Ledford Law Firm
628 Pine Ave.
Albany, GA 31701
Case: MARY WILKERSON

Date	Invoice #
6/4/2013	3126

Date	Description	Time (Hrs)	Billed (Hrs)	Amount
5/24/2013	Attempted to access the data drive we had issues with before and wa successful. Spent time collecting information to provide to Lexis-Nex in order for them to give an accurate quote for e-discovery services.	2	2	150.00
			Total	$862.50
			Payments/Credits	$0.00
			Balance Due	$862.50

Chris Hall Computer Consulting
1501 Third Ave
Albany, GA 31707
(229) 881-6212

6/5/2013

Tom Ledford
Ledford Law Firm
628 Pine Ave.
Albany, GA 31701

Mr. Ledford,

I am a self-employed IT technician and consultant. My fees are billed hourly at a flat rate of $75/hr. My SSN is: 255-59-8922.

Thank you,

Chris Hall

Appendix Z

Motion to Compel Meaningful Discovery
July 11, 2013
Doc. 78

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

UNITED STATES OF AMERICA	* CRIMINAL NO. 1:13-CR-00012-WLS-TQL-4 * VIOLATIONS: * 18 U.S.C. SECTIONS 1505 * 18 U.S.C. SECTIONS 1505
v.	*
MARY WILKERSON,	* MOTION TO COMPEL * MEANINGFUL DISCOVERY * TO DEFENDANT,
Defendant.	* MARY WILKERSON

COMES NOW, the Defendant, MARY WILKERSON, by and through her attorney of record and moves this Honorable Court to enter an Order compelling the Government to provide meaningful Discovery to the Defendant.

1.

The Defendant is charged with two counts of Obstruction of Justice, 18 U.S.C. § 1505, Count No. 73 and Count No. 76 in the above Indictment, each of which Count carries a fine and/or a sentence of up to five years imprisonment.

2.

The Defendant by and through her Counsel shows that on or about February 25, 2013 the Government provided her with approximately 2-1/2 to 3 million documents contained on various detached hard drives, as well as, an approximate 96,000 documents contained on seven CD's, which were shipped to Defendant's Counsel on or about April 30, 2013, as well as, one additional CD containing a number of documents, which was sent to Defendant's Counsel on or about June 17, 2013.

3.

The Defendant shows that all of said Discovery submitted to her through her Counsel by the Government are files containing various documents on the detached hard drives and CD's and that there is no index or organization to said Discovery, that there are no links between the files and that there is no way to organize and do a meaningful search of the documents without the use of software specifically adapted and designed to use relevant terms in searching through the said vast amount of documents produced.

4.

The Defendant by and through her Counsel, shows that she does not have the financial means to avail herself of such sophisticated technology to organize and search through the vast number of documents produced by the Government and that her present Counsel was only appointed on or about February 25, 2013 with Trial being set for October 7, 2013.

5.

The Defendant shows that she has through the use of a laptop computer searched between five and six thousand documents but the documents have no links to the other documents nor is there any organization or indexing which would allow for an expeditious and meaningful search of such a vast number of documents.

6.

The Defendant shows that the providing of such a voluminous number of documents without any indexing of same or linking of the documents amounts to providing no Discovery at all since searching the vast number of documents is akin to hunting for a needle in a haystack.

7.

The providing of said documents by the Government in such volume without any indexing or organization combined with Defendant's lack of financial resources to obtain the use of the specialized software using relevant terms results in Trial by Ambush and violates Due Process, which is clearly afforded to the Defendant by the 5th Amendment of the United States Constitution.

8.

While Defendant acknowledges that she, by and through her Counsel, is in the process of obtaining some assistance for limited technical support on a gratuitous basis from the Assistant National Litigation Support Administrator for Defender Services of the United States Courts Office of Defender Services, there is still not sufficient time before the Trial date of October 7, 2013 to obtain the use of such technical support and search through the millions of documents currently provided.

9.

The Defendant shows that the Government has had four years or more to obtain and analyze said evidence in this case and to prepare for Trial, whereas, she was only appointed her present Counsel on or about February 25, 2013.

WHEREFORE the Defendant prays that the Court inquire into this matter at a Hearing and issue an Order directing the Government to specifically identify and produce the evidence, including the documents, that will be used in the prosecution against her, and that all other evidence obtained be suppressed and excluded in the Trial of this Defendant for reasons as set out above.

This 11th day of July, 2013.

/s/ Thomas G. Ledford
Thomas G. Ledford
Attorney for Defendant,
Mary Wilkerson
State Bar No.: 443087

This document prepared by:
THE LEDFORD LAW FIRM, LLC

BY: /s/ Thomas G. Ledford
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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

UNITED STATES OF AMERICA	* CRIMINAL NO. 1:13-CR-00012-WLS-TQL-4 * VIOLATIONS: * 18 U.S.C. SECTIONS 1505.F * 18 U.S.C. SECTIONS 1505.F * *
MARY WILKERSON,	* CERTIFICATE OF SERVICE *

I hereby certify that on July 11, 2013, I electronically filed the foregoing MOTION TO COMPEL MEANINGFUL DISCOVERY TO DEFENDANT, MARY WILKERSON, with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the Honorable Kenneth Alan Dasher, Assistant United States Attorney and Honorable Patrick H. Hearn, Trial Attorney, U. S. Department of Justice.

This 11th day of July, 2013.

/s/ Thomas G. Ledford
Thomas G. Ledford
Attorney for Defendant,
Mary Wilkerson
State Bar No.: 443087

This document prepared by:
THE LEDFORD LAW FIRM, LLC

BY: /s/ Thomas G. Ledford
Thomas G. Ledford
Attorney at Law
P. O. Box 287
Albany, Georgia 31702
(229) 431-2310
tom@theledfordlaw.com

Appendix AA

Order – Denying Motion 66 and 78 –
(Sealed)
August 9, 2013
Doc. 93

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

UNITED STATES OF AMERICA,	:	
	:	
v.	:	CASE NO.: 1:13-CR-12 (WLS)
	:	
MARY WILKERSON,	:	
	:	
Defendant.	:	**FILED UNDER SEAL**

ORDER

Before the Court are Defendant Mary Wilkerson's Motion for Expert Services, Motion to Compel Meaningful Discovery, Motion for Authorization for Technological Services, and a Motion to Suppress. (Docs. 66, 78, 83, 90.) All of these motions revolve around Wilkerson's basic contention that the Government's discovery is too voluminous to search without expert services or relief from the Court. The Court resolves these pending motions as follows.

First, the Court denies without prejudice the Motion to Compel Meaningful Discovery and the Motion to Suppress. As the Court noted in a contemporaneous Order, the Court's local criminal rules require that "every motion filed in a criminal proceeding shall be accompanied by a memorandum of law citing supporting authorities." M.D. Ga. L. Crim. R. 47.1. Wilkerson failed to cite any authority in these motions, requiring the Court to play both advocate and arbiter by researching plausible bases for these motions and then deciding whether they have merit. But the Court declines to perform the function of an advocate.

Second, the Court grants Wilkerson's Motion for Authorization of Payment for Technological Services. (Doc. 83.) In this most recent motion for services, Wilkerson requests payment for past and future support from computer consultant Chris Hall to as-

sist her "in communication with the . . . Assistant National Litigation Support Administrator for Defender Services and for accessing said software to be provided by the National Litigation Support Administrator for Defender Services." Hall provides a $1,387.50 invoice for past work and a future estimate of $900 for future work. Wilkerson also requests $178.98 to pay for two external hard drives to store discovery.

Title 18, United States Code section 3600A(e)(1) provides that

> Counsel for a person who is financially unable to obtain investigative, expert, or other services necessary for adequate representation may request them in an ex parte application. Upon finding, after appropriate inquiry in an ex parte proceeding, that the services are necessary and that the person is financially unable to obtain them, the court, or the United States magistrate judge if the services are required in connection with a matter over which he has jurisdiction, shall authorize counsel to obtain the services.

The Court concludes that the services are necessary for adequate representation and that Wilkerson cannot afford them. The Court therefore grants the motion and authorizes the Clerk of the Court to pay Wilkerson's attorney, Tom Ledford, $2,287.50 for past and future expert services, not to exceed $900 for the future services unless authorized upon good cause shown, and $179.98 for the hard drives.

Finally, based on the representations in Wilkerson's recent motion, it would appear that her previous motion requesting payment for litigation-support software is moot. Wilkerson's July 23, 2013 motion (Doc. 83) explains that her attorney "is attempting to obtain the means to access to the appropriate search software and technical support from the Assistant National Litigation Support Administrator." Accordingly, because Wilkerson claims she is gaining access to software, her previous motion requesting payment for private litigation software is denied without prejudice as moot.

In summary, Wilkerson's Motion to Suppress (Doc. 90) and Motion to Compel Meaningful Discovery (Doc. 78) are **DENIED** without prejudice. Should Wilkerson need additional time to file preliminary motions, the Court will entertain a motion to

modify the scheduling order. Wilkerson's Motion for Authorization for Payment for Technological Services (Doc. 83) is **GRANTED** as previously set out herein. Wilkerson's previous motion for authorization for payment for technological services (Doc. 66) is **DENIED** without prejudice as moot.

SO ORDERED, this 8th day of August 2013.

/s/ W. Louis Sands
THE HONORABLE W. LOUIS SANDS,
UNITED STATES DISTRICT COURT

Appendix BB

Docket Page – Showing Ex Parte Hearing on
June 25, 2013
Reference Sealed Motion for Authorization
for Payment
of Technological Services

		Conditions of Release *Reply to Motion to Modify Conditions of Release* (HODGES, KENNETH) (Entered: 04/25/2013)
04/26/2013	64	ORDER denying 52 Motion to Modify Conditions of Release as to STEWART PARNELL (1). Ordered by US Mag Judge Thomas Q Langstaff on 04/26/2013. (asb) (Entered: 04/26/2013)
05/30/2013	65	ORDER denying 57 Sealed Motion as to STEWART PARNELL (1). The Court overrules the Government's objections to Hodges' representation and finds that Parnell knowingly and volutarily waived his right to object to Hodges' potential or actual conflict. Ordered by Judge W. Louis Sands on 5/30/2013. (bcl) (Entered: 05/30/2013)
06/10/2013	67	NOTICE *of Government's Motion for Extension of Discovery Deadline* as to STEWART PARNELL, MICHAEL PARNELL, SAMUEL LIGHTSEY, MARY WILKERSON. (Attachments: # 1 Text of Proposed Order)(DASHER, KENNETH) (Entered: 06/10/2013)
06/11/2013	68	ORDER as to STEWART PARNELL, MICHAEL PARNELL, SAMUEL LIGHTSEY, MARY WILKERSON granting 67 Notice (Other). Ordered by Judge W. Louis Sands on 6/11/2013. (bcl) (Entered: 06/11/2013)
06/18/2013	69	NOTICE of Ex Parte Hearing on June 25, 2013 at 11:00 a.m. before U.S. District Judge W. Louis Sands as to MARY WILKERSON re 66 MOTION for Expert Services (wks) (Entered: 06/18/2013)
06/25/2013		NOTICE of TELEPHONE CONFERENCE set for 6/28/2013 11:00 AM in Albany before Judge W. Louis Sands as to MARY WILKERSON. The following parties will be contacted by AT&T Operator prior to the conference: Thomas Ledford, Alan Dasher, Patrick Hearn. (jbk) (Entered: 06/25/2013)
06/25/2013	70	Sealed Document: MINUTE SHEET *Ex Parte* Hearing on 6/25/2013 before Judge W. Louis Sands in re MARY WILKERSON (jbk) (Entered: 06/25/2013)
06/26/2013		NOTICE of *CANCELLATION* of Telephone Conference set for June 28, 2013 pending further order of the Court as to MARY WILKERSON.(jbk) (Entered: 06/26/2013)
07/01/2013	71	Letter regarding Expert Designation - Stewart Parnell (Attachments: # 1 Curriculum Vitae)(AUSTIN, EDWARD) (Entered: 07/01/2013)

Appendix CC

Motion for Discovery (Brady)
Doc. 98
August 9, 2013

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

UNITED STATES OF AMERICA	* CRIMINAL NO. 1:13-CR-00012-WLS-TQL-4 * VIOLATIONS: * 18 U.S.C. SECTIONS 1505 * 18 U.S.C. SECTIONS 1505
v.	*
MARY WILKERSON, Defendant.	* MOTION FOR DISCOVERY * TO DEFENDANT, * MARY WILKERSON

COMES NOW, the Defendant, MARY WILKERSON, by and through her attorney of record, and moves this Honorable Court to enter an Order compelling the Government to provide useable and meaningful Discovery to the Defendant.

1.

The Defendant is charged with two counts of Obstruction of Justice, 18 U.S.C. § 1505, Count No. 73 and Count No. 76 in the above Indictment, each of which Count carries a fine and/or a sentence of possible imprisonment.

2.

The Defendant, by and through her Counsel, shows that on or about February 25, 2013 the Government provided her with approximately 2-1/2 to 3 million documents contained on various detached hard drives, as well as, an approximate 96,000 documents contained on seven CD's, which were shipped to Defendant's Counsel on or about April 30, 2013, an additional CD containing an unspecified number of documents which was sent to Defendant's Counsel on or about June 17, 2013 and as recent as August 9, 2013 the said Defendant, by and through her

Counsel, was served with a CD containing 2,840 documents for a privilege review by the United States Department of Justice and Defendant, and by and through her Counsel, by letter dated August 9, 2013 from the United States Department of Justice was informed that a Hard Drive containing approximately 286,000 documents for a privilege review would also be sent in the next few days, although same has not yet been received.

3.

The Defendant shows that all of said Discovery submitted to her through her Counsel by the Government are files containing various documents on the detached hard drives and CD's and that there is no index or organization to said Discovery, that there are no links between the files and that there is no way to organize and do a meaningful search of the documents without the use of software specifically adapted and designed to use relevant terms in searching through the said vast amount of documents produced, which have been produced piece mill in a raw data dump of several million documents spread over several months period on multiple hard drives and CD's and that she is still receiving documents in a raw unorganized data dump which is in an impossible format to search through in preparation for the upcoming trial, as well as, other documents which were supposedly forthcoming as notified by the United States Department of Justice on August 9, 2013 to the Defendant, by and through her Counsel.

4.

The Defendant, by and through her Counsel, shows that she does not have the financial means to avail herself of such sophisticated technology to organize and search through the vast number of documents produced by the Government and that her present Counsel was only appointed on or about February 25, 2013 with Trial being scheduled to commence on February 10, 2014.

5.

The Defendant shows that she has through the use of a laptop computer searched between five and six thousand documents at present but the documents have no links to the other documents on the several CD's or hard drives nor is there any organization or indexing which would allow for an expeditious and meaningful search of such a vast number of documents.

6.

The Defendant shows that the providing of such a voluminous number of documents without any indexing of same or linking of the documents amounts to providing no Discovery at all since searching the vast number of documents is akin to hunting for a needle in a haystack.

7.

The providing of said documents by the Government in such volume without any indexing or organization combined with Defendant's lack of financial resources to obtain the use of the specialized software using relevant terms results in Trial by Ambush and violates Due Process, which is clearly afforded to the Defendant by the 5th Amendment of the United States Constitution.

8.

While Defendant acknowledges that she, by and through her Counsel, is in the process of obtaining some assistance for limited technical support on a gratuitous basis from the Assistant National Litigation Support Administrator for Defender Services of the United States Courts Office of Defender Services, but the Defendant is in the initial stages of the process and is still unable at the present to systematically access, organize or analyze the millions of documents currently provided.

9.

The Defendant shows that the Government has had four years or more to obtain and analyze said evidence in this case and to prepare for Trial, whereas, she was only appointed her present Counsel on or about February 25, 2013.

10.

The Defendant, by and through her Counsel, contends that the Government is under some duty to organize the voluminous Discovery production as per Brady v. Maryland, 373 U.S. 83 (1963). The Government has a due process obligation to make Pre-Trial Disclosures to Criminal Defendants and in this case where this is a large volume of Discovery, it must take steps to make the information usable for the Defendant in a timely manner to prepare for Trial. The several millions of documents produced or which are forthcoming to Defendant, MARY WILKERSON, have been placed on several hard drives and CD's without any organization, linking or indexing and, therefore, due to the volume of documents, are not in a useable form so as to allow the Defendant to access the millions of documents in such a manner as to significantly help her prepare her Defense.

11.

The Defendant, by and through her Counsel, further contends that the mere volume of millions of documents also amounts to a *Brady* violation by the Government's massive data dump on the Defendant which is unusable or non-identifiable. United States v. Skilling, 554 F.3d 529, 576-77 (5th Cir. 2009). In *Skilling*, the Government took measures to satisfy the Brady obligation by making the voluminous open files useable to the Defense of the Defendant by providing access to the documents in a searchable electronic format, identifying the documents important to the Government's case or relevant to the case, creating indexes of the documents and providing access

to databases of prior related litigation. The Government has not met its obligation to the Defendant, MARY WILKERSON, by such a massive data dump of more than 3 million documents while expecting that she should be able to find the exculpatory or incriminating information in this raw data pile, even if given in good faith. Emmett v. Ricketts, 397 F. Supp. 1025, 1043 (N.D. Ga. June 17, 1975). The test is whether the Government provides *Brady* material in such a way that the Defendant can locate the essential evidence or exculpatory information through an exercise of due diligence. United States v. Skilling, 554 F.3d 529, 576-77 (5th Cir. 2009). The purpose of Discovery is to enable the Defendant to evaluate, analyze and validate the evidence to prepare for Trial and for a defense without surprises. The Defendant, by and through her Counsel, contends that she is not capable of processing the production of more than 3 million documents provided on several hard drives and CD's since she is an individual Defendant represented by a Court appointed attorney from a small firm who was only assigned to her on February 25, 2013. This inability of Defendant to adequately utilize the Discovery provided by the Government is not due to a lack of exercise of due diligence by her under the circumstances. See United States v. Salyer, No. CR. S-10-0061 LKK (GGH), 2010 U.S. Dist. LEXIS 77617, 2010 WL 3036444. In SEC v. Collins & Aikman Corp., 256 F.R.D. 403 (S.D.N.Y. 2009) the Federal Court required measures for Civil Discovery, in which the SEC's mass of unlabeled and unorganized documents produced placed an "undue hardship" on the Defendants to search through 10 million documents and thereby ordered the SEC to produce and identify specific documents.

WHEREFORE the Defendant prays that the Court inquire into this matter at a Hearing and issue an Order directing the Government to specifically produce (1) an Index to the Discovery the Government intends to introduce as evidence at Trial of this Defendant, as well as, the other Defendants, (2) provide a list of Exhibits, (3) provide a list of witnesses and (4) provide a

reasonable search protocol, as well as, a useable search format for reasons set out above, and to do so before Trial in a timely manner so as to be reviewed by this Defendant in her preparation for Trial.

This 16th day of August, 2013.

/s/ Thomas G. Ledford
Thomas G. Ledford
Attorney for Defendant,
Mary Wilkerson
State Bar No.: 443087

This document prepared by:
THE LEDFORD LAW FIRM, LLC

BY: /s/ Thomas G. Ledford
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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

UNITED STATES OF AMERICA	* CRIMINAL NO. 1:13-CR-00012-WLS-TQL-4 * VIOLATIONS: * 18 U.S.C. SECTIONS 1505.F * 18 U.S.C. SECTIONS 1505.F * *
MARY WILKERSON,	* CERTIFICATE OF SERVICE *

I hereby certify that on August 16, 2013, I electronically filed the foregoing MOTION FOR DISCOVERY TO DEFENDANT, MARY WILKERSON, with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the Honorable Kenneth Alan Dasher, Assistant United States Attorney and Honorable Patrick H. Hearn, Trial Attorney, U. S. Department of Justice.

This 16th day of August, 2013.

/s/ Thomas G. Ledford
Thomas G. Ledford
Attorney for Defendant,
Mary Wilkerson
State Bar No.: 443087

This document prepared by:
THE LEDFORD LAW FIRM, LLC

BY: /s/ Thomas G. Ledford
Thomas G. Ledford
Attorney at Law
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Albany, Georgia 31702
(229) 431-2310
tom@theledfordlaw.com

Appendix DD

Sealed Motion for Authorization for Payment For Revised Past, Present and Future Technological Services and Technical Experts Under Seal for Defendant, Mary Wilkerson
Doc. 166 & Exhibits
May 16, 2014

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

UNITED STATES OF AMERICA	* CRIMINAL NO. 1:13-CR-00012-WLS-TQL-4 * VIOLATIONS: * 18 U.S.C. SECTIONS 1505 * 18 U.S.C. SECTIONS 1505
v.	*
MARY WILKERSON Defendant.	* MOTION FOR AUTHORIZATION FOR * PAYMENT FOR REVISED PAST, PRESENT * FUTURE TECHNOLOGICAL SERVICES AND * TECHNICAL EXPERTS UNDER SEAL FOR, * DEFENDANT, MARY WILKERSON

COMES NOW, the Defendant, MARY WILKERSON, by and through her attorney of record and moves this Honorable Court to enter an Order granting the Defendant authorization for payment of past, present and future technological assistance, software and technical experts necessary for the Defendant to obtain and access search software to analyze the voluminous number of documents produced by the Government to said Defendant in its prosecution of the Defendant (estimate of approximate of three to four million documents).

1.

The Defendant is charged with two counts of Obstruction of Justice, 18 U.S.C. § 1505, Count No. 73 and Count No. 76 in the above Indictment, each of which Count carries a fine and/or a sentence of possible imprisonment.

2.

The Defendant by and through her Counsel would show that while she was able to obtain a laptop computer loaded with Concordance Software on loan from the Assistant National Litigation

Support Administrator for Defender Services she is under an obligation to return the laptop loaded with the Concordance Software upon request at any time since other clients of National Litigation Support have need of the same software.

3.

The Defendant by and through her Counsel shows while using said borrowed laptop connectivity problems have developed which make the said computer unreliable during Trial, thereby leaving the Defendant with no reliable technical support to research the three to four million documents produced to her in this case by the Government.

4.

Defendant by and through her Counsel shows that the laptop computer from the Assistant National Litigation Support Administrator for Defender Services Office having proved to be unreliable necessitated her attorney to purchase a laptop suitable to search the three to four million documents produced by the Government as potential evidence in this case, although the Defendant's Counsel is not seeking reimbursement for the purchase price of said computer.

5.

Defendant by and through her Counsel shows that the Concordance Software has a license issued to the Assistant National Litigation Support Administrator for Defender Services Office which is loaded on the laptop on loan to Defendant's Counsel and that it would be improper for said software to be transferred to another computer, including the new laptop purchased by Defense Counsel.

6.

Defendant by and through her Counsel shows that the newly purchased laptop is without the Concordance Software and that it is necessary to obtain a copy with the proper user license to

load on said laptop for Defendant and her Counsel of Record to be in full compliance with all applicable laws.

7.

The Defendant by and through her Counsel shows she has previously submitted a Motion for Authorization of Payment for Technical Services (Document 83) and appeared at an Ex Parte Hearing concerning the same on June 25, 2013 before this Honorable Court, after which time the Court entered a Sealed Order (Document 93) on August 9, 2013 authorizing payment for Technical Services $2,287.50 and hardware in the amount of $179.98.

8.

The Defendant by and through her Counsel shows that the need for Technical Services is much greater than anticipated by her and her Counsel as represented to the Court at the previous Ex Parte Hearing for the need for Technical Services.

9.

The Defendant by and through her Counsel shows that it has been necessary to have extensive assistance from Chris Hall, Computer Consultant, 1501 Third Avenue, Albany, Georgia and that his assistance will be needed further before and during the Trial which is expected to last six to eight weeks beginning July 14, 2014.

10.

Defendant by and through her Counsel further shows that the said Chris Hall has spent at least 100 plus hours loading data, software and consulting with Technical Support, Experts, Software Support representatives, and other Technical Support Personnel and in conducting searches for relevant evidence provided by the Government through Discovery consisting of three

to four million documents and it is anticipated there will be need of his services for preparation for Trial and during Trial.

11.

Defendant by and through her Counsel shows that she has been able to obtain the services of a Paralegal, Maria Turner, from Nelson Mullins, Riley and Scarborough, LLP, Atlanta, Georgia on a Pro Bono basis and said Paralegal has made several trips to Albany from Atlanta to consult with Chris Hall, the Defendant and her Counsel in accessing the data using the Bates Numbering System provided by the Government and Concordance Software provided on loan with a laptop by the National Litigation Support.

12.

Defendant by and through her Counsel shows that the said Paralegal from Nelson Mullins, Riley and Scarborough, LLP has also associated Harvey Yarborough, from Birmingham, Alabama, who has the Technical expertise to load Concordance onto the new laptop purchased by Defendant's Counsel and who also has made a trip to Albany for the purpose of conferring with the Defendant, her undersigned Counsel and said Chris Hall so as to load the three to four million documents produced by the Government as Discovery onto the newly purchased laptop computer.

13.

Defendant by and through her Counsel has obtained a quote from Lexis Nexis for the rental/purchase of the Concordance Software necessary to access the three to four million documents provided by the Government in Discovery, which quote is attached hereto as Exhibit "A".

WHEREFORE the Defendant prays that the Court issue an Order directing the Clerk of Court to file under Seal, until further Order, this Motion with all supporting attachments and,

furthermore, that the Court set an Ex Parte Hearing in this matter to hear the prayers of this Motion.

This 16th day of May, 2014.

/s/ Thomas G. Ledford
Thomas G. Ledford
Attorney for Defendant,
Mary Wilkerson
State Bar No.: 443087

This document prepared by:
THE LEDFORD LAW FIRM, LLC

BY: /s/ Thomas G. Ledford
Thomas G. Ledford
Attorney at Law
P. O. Box 287
Albany, Georgia 31702
(229) 431-2310
tom@theledfordlaw.com

Tom Ledford

From: O'Keefe, Stephanie (LNG-HBE) <stephanie.okeefe@lexisnexis.com>
Sent: Wednesday, May 14, 2014 1:10 PM
To: Tom Ledford
Cc: chrishall@thallcpa.com
Subject: RE: Concordance
Attachments: Ledford CN.pdf; CN Native Viewer Product Sheet.pdf

Hi Mr. Ledford – I just spoke to Chris and we determined to match what you have been using on the provided laptop, you will need Concordance and Native Viewer. Attached is a quote to purchase both licenses with maintenance. The maintenance in year 2 will be optional. If you no longer need support and or/updates, you do not have to renew the maintenance in year 2. As noted, the pricing includes a significant discount and allows you to buy the software at the lease price.

Please let me know if you have any questions. Thank you, Stephanie

Stephanie O'Keefe
(O) 615-292-9210
(cell) 919-924-9995

From: Tom Ledford [mailto:tom@theledfordlaw.com]
Sent: Wednesday, May 14, 2014 6:10 AM
To: O'Keefe, Stephanie (LNG-HBE)
Cc: chrishall@thallcpa.com
Subject: RE: Concordance

Stephanie:

Please submit a formal quote for the Concordance software. Thanks.

Tom Ledford

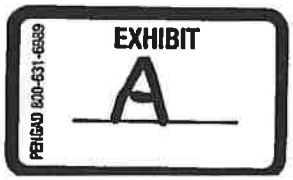
From: O'Keefe, Stephanie (LNG-HBE) [mailto:stephanie.okeefe@lexisnexis.com]
Sent: Tuesday, May 13, 2014 5:26 PM
To: Tom Ledford
Cc: chrishall@thallcpa.com
Subject: RE: Concordance

Hi Mr. Ledford –

The Federal Prosecutor does not have a specific CJA pricing agreement for Concordance. However, the pricing I provided is heavily discounted and actually is the lease pricing, but I was able to get approval for you to buy the license for that price vs. leasing it.
The retail price to buy the license is $3536 plus $707 maintenance.

Let me know how you want to proceed. Thank you, Stephanie

Stephanie O'Keefe
(O) 615-292-9210
(cell) 919-924-9995



From: Tom Ledford [mailto:tom@theledfordlaw.com]
Sent: Tuesday, May 13, 2014 3:43 PM
To: O'Keefe, Stephanie (LNG-HBE)
Cc: chrishall@thallcpa.com
Subject: RE: Concordance

Stephanie:

Is there not a lease option and, if so, what is the shortest lease period available and the cost? Also, are there not special rates available for CJA Panel Attorneys? Thanks.

Tom Ledford

From: O'Keefe, Stephanie (LNG-HBE) [mailto:stephanie.okeefe@lexisnexis.com]
Sent: Tuesday, May 13, 2014 4:11 PM
To: Tom Ledford
Cc: chrishall@thallcpa.com
Subject: RE: Concordance

Hi Mr. Ledford –
Concordance is sold as a license purchase plus maintenance. The cost for 1 mobile license (for a laptop or desktop installation) is $1836, plus $367 maintenance ($183 per month for the 1st year). You would then own the license and only pay maintenance in the following years. Please let me know if you would like a formal quote.

Thank you, Stephanie

Stephanie O'Keefe
(O) 615-292-9210
(cell) 919-924-9995

From: Tom Ledford [mailto:tom@theledfordlaw.com]
Sent: Tuesday, May 13, 2014 11:42 AM
To: O'Keefe, Stephanie (LNG-HBE)
Cc: chrishall@thallcpa.com
Subject: Re: Concordance

Stephanie:

I am a CJA Panel Attorney and have a need for Concordance Software to search documents on a criminal case. I propose to obtain a bid which will be submitted to the Court for approval (probably a short lease). Please submit a proposal to me at your earliest convenience. Thanks.

Tom Ledford

LexisNexis

Litigation Software Order

LexisNexis Matthew Bender
PO Box 7247-0178
Philadelphia, PA 19170-0178

Date: May 14, 2014
Quote #: SO-LL-1YP
Terms: Net 30
Billing Frequency: Annual

TIN: 14-0499170

Bill To: Tom Ledford
Name The Ledford Law Firm
Address 628 Pine Ave.
Albany, GA

Ship To: (If Different)

Phone number 229-431-2310
Email address

Subscription	Phone	Segment	Valid Until
Stephanie Okeefe	615-292-9210	SL	May 30, 2014

Qty	Description	Unit Price	SubTotals	Annual Totals
Year 1	Effective Dates: 01/00/1900 - 01/00/1900			
1	New Concordance Perpetual License Purchase	1,836		
	Sub-Total New Concordance Perpetual License Purchase		$ 1,836	
1	*Concordance Perpetual License Maintenance*	367	$ 367	
1	New Concordance Native Viewer Perpetual License Purchase	1,073		
	Sub-Total New Concordance Native Viewer Perpetual License Purchase		$ 1,073	
1	*Concordance Native Viewer Maintenance*	214	$ 214	
			Monthly Cost:	$290.00
			Sub-Total Year 1**	$3,490.00
			** Sales tax may apply and will be included per invoice.	
			Order Total**	$3,490.00

* Discounts apply provided you commit to the specified term at the specified price on or before the Proposal Expiration Date. Fees are non-refundable. Annual fees for Software Subscriptions and Annual Maintenance and Support are non-cancelable and will be billed automatically upon anniversary of the Effective Date

** Sales tax may apply and will be included on invoice.

The Concordance Native Viewer add-on software is licensed per user and NOT based on the number of concurrent users, but rather on the number of individual users. However, simultaneous use of Native Viewer will be limited by the number of Concordance licenses used to launch the add-on.

Authorized Signature: _____

Title: _____

Date: _____

Use of the Software licensed pursuant to this Software Order is subject to the terms and conditions of the End User License Agreement

Found at http://www.lexisnexis.com/terms/ca

Appendix EE

Docket Page - Showing Sealed Motion Doc #166

		before U.S. District Judge W LOUIS SANDS. (mpw) (Entered: 05/06/2014)
05/07/2014	152	Minute Entry for proceedings held before U.S. District Judge W LOUIS SANDS: Change of Plea Hearing as to SAMUEL LIGHTSEY held on 5/7/2014. (Court Reporter Darlene Pino.) (bcl) (Entered: 05/08/2014)
05/07/2014	153	PLEA AGREEMENT as to SAMUEL LIGHTSEY. (bcl) (Entered: 05/08/2014)
05/07/2014	154	PLEA SHEET - Change of Plea as to SAMUEL LIGHTSEY - Guilty to counts 1, 2, 17, 32, 50, 67 and 76. (bcl) (Entered: 05/08/2014)
05/16/2014	166	SEALED MOTION by MARY WILKERSON.. Motion(s) referred to THOMAS Q LANGSTAFF.(bcl) (Entered: 06/10/2014)
05/20/2014	155	MOTION in Limine *Government's Omnibus Motion in Limine* by UNITED STATES OF AMERICA as to STEWART PARNELL, MICHAEL PARNELL, MARY WILKERSON. (ENGLEHART, MARY) (Entered: 05/20/2014)
05/20/2014	156	MOTION in Limine *To Admit Evidence of Routine Microbiological Testing Under FRE 803(6)* by UNITED STATES OF AMERICA as to STEWART PARNELL, MICHAEL PARNELL, MARY WILKERSON. (ENGLEHART, MARY) (Entered: 05/20/2014)
05/20/2014	157	MOTION in Limine by STEWART PARNELL. (Attachments: # 1 Memorandum in Support)(BONDURANT, THOMAS) (Additional attachment(s) added on 6/16/2014: # 2 Exhibit Email) (bcl). (Entered: 05/20/2014)
05/20/2014	158	MOTION to Seal Document by STEWART PARNELL.. Motion (s) referred to THOMAS Q LANGSTAFF.(BONDURANT, THOMAS) (Entered: 05/20/2014)
05/20/2014	159	MOTION in Limine by MARY WILKERSON. (Attachments: # 1 Exhibit Email Correspondence - Sent, # 2 Exhibit Email Corresponence - Received)(LEDFORD, THOMAS) (Entered: 05/20/2014)
05/23/2014	160	RESPONSE in Opposition by UNITED STATES OF AMERICA as to STEWART PARNELL re 158 MOTION to Seal Document (DASHER, KENNETH) (Entered: 05/23/2014)
06/02/2014	161	

APPENDIX FF

Letter to District Judge – Ex Parte
Re: Authorizations for Payment of Technological Services
November 18, 2014

THE LEDFORD LAW FIRM, L.L.C.
Attorney at Law
628 Pine Avenue
P.O. Box 287
Albany, Georgia 31702

Thomas G. Ledford

Phone (229) 431-2310
Facsimile (229) 431-2305

November 18, 2014

Honorable W. Louis Sands
U. S. District Judge, United States District Court
Middle District of Georgia, Albany Division
201 West Broad Avenue
Albany, Georgia 31701

RE: United States v. Parnell, et. al.
United States District Court, Middle District of Georgia, Albany Division,
Case No.: 1:13-CR-12-WLS

Dear Judge Sands:

As Defense Counsel, I recorded the dates of Chris Hall's work preparing for Defendant Wilkerson's Trial which said work history spreadsheet was attached as an Exhibit to the most recent CJA21. Mr. Hall presented the invoice attached as an Exhibit to the CJA21. Trial began on July 28, 2014 and the deliberations ended September 19, 2014. Mr. Hall did not attend Jury Selection or Deliberations, so his Trial time started August 1, 2014.

Six Motions for Authorization for utilization of the Technical Services of Chris Hall and payment have been filed over a period of a year and a half with submission of the final time worksheet submitted once Mr. Hall's services were no longer required. Neither Mrs. Wilkerson nor myself had the technical expertise to install the Concordance software on the laptop computer, sort, organize, reformat the data into to a compatible format to work on the software and then load the millions of documents produced by the Government over the past year and a half nor operate the software in order to have a meaningful search for evidence. Mr. Hall researched the options of purchasing, leasing and a third party hosting search software, all of which would have cost hundreds of thousands of dollars. We were finally able to obtain on loan a laptop loaded with Concordance Software from the San Francisco Office of the National Defender's Office. There were difficulties with the loaner laptop and my office purchased a new laptop to reload the data so we would be more efficient in searching through all of the Government's Discovery.

Due to the complexity and uniqueness of this case it was impossible to estimate how much work Mr. Hall would need to do. Since the Government continued to produce documents up to the eve of Trial, Mr. Hall's services were required up to Trial and through Trial to operate the software, load, organize and search through the production before and during Trial.

I limited Mr. Hall's attending Trial to only eight times through August 20, 2014 and he billed for two hours each time according to the Sealed Order - Doc. #204, although his time actually exceeded that amount. He did not attend Trial during Jury Selection or Deliberations. Mr. Hall

billed for Trial Preparation/Consultation during Trial for 11 days after Trial hours, at two hours each time according to the Sealed Order – Doc. #204, although his time exceeded the two hour limit. His Trial Preparation/Consultation during Trial consisted of loading the voluminous late Discovery upon receipt into the Concordance software program, organizing it, searching for relevant documents so that they may be found as needed when the Government's Exhibits were presented. His time utilized during Trial was invaluable to the Defendant's defense. The trip to Atlanta to the law firm of Nelson and Mullins Law Firm, which provided the services of a senior Paralegal, Pro Bono, was a necessary learning experience for Mr. Hall, Counsel and the Defendant in preparing for Trial. That firm provided training on how to best use the Concordance software as a search tool for evidence presented as Exhibits, how to co-ordinate the use of technical equipment and search the millions of documents to prepare for direct and cross examination, and using the Powerpoint slide-show during Closing. Mr. Hall made the trip to Atlanta at his own expense, which was a 13 hour day and 360 miles round trip.

There was a tremendous volume of Exhibits produced by the Government at Trial and Chris Hall was essential in the search for the utilized Exhibits, although he abided by the Order and billed only for the limit of two hours daily during Trial. The deadline for Discovery was July 17, 2013. Even though the deadline was July 17, 2013 and Trial was postponed from July 14, 2014 to July 28, 2014, the Government was still producing late Discovery, including, but not limited to the following dates as shown by the attached documentation from the Government: June 24, 2014, July 17, 2014, July 23, 2014 and July 24, 2014.

The Government had over five years to gather evidence and work on the case but Defendant only had a year and a half to search through the vast number of documents produced by the Government and without Chris Hall's efforts and diligent assistance she would never have been able to prepare an effective Defense nor anticipate what the Government would produce at Trial, therefore, he was an essential part of the Defendant's defense team.

I, as Attorney for Ms. Wilkerson, vouch for the necessity and performance of Mr. Hall's work in the technical support provided for the Defense. Both myself and Mr. Hall would be available to personally provide anymore information concerning this matter should the Court so desire.

Respectfully submitted,

Thomas. G. Ledford
TGL/bsh
Attachments
cc: Mr. Chris Hall