

SUPERIOR COURT OF THE STATE OF GEORGIA
COUNTY OF COBB

EDGAR "BO" POUNDS, individually and on)
behalf of the estate of Mary Jean Pounds,)
JOSEPH THOMPSON, FRANKLIN SMITH,)
EAGLE EYE FORENSICS, LLC, DIANNE)
BRACKIN, and WILLIAM SHARP,)
Derivatively On Behalf of COBB ELECTRIC)
MEMBERSHIP CORPORATION.)

Civil Action File No. 07-1-9408-48

Plaintiffs,

vs.

DWIGHT BROWN, DON BARNETT,)
DAVID MCGINNIS, KAY ANDERSON, AL)
FORTNEY, JR., FRANK BOONE, SARAH)
BROWN, LARRY CHADWICK, HENRY)
BALKCOM III, COBB ENERGY)
MANAGEMENT CORPORATION and)
DOES 1-15, inclusive,)

Defendants,

-and-

COBB ELECTRIC MEMBERSHIP)
CORPORATION, a Georgia Corporation,)

Nominal Defendant.)

Joseph S. ...
09 JUN 18 PM 4:29
COBB COUNTY GA.
FILED IN OFFICE

ORDER ON PRESERVATION
OF DOCUMENTS, DATA, AND TANGIBLE THINGS

IT IS HEREBY ORDERED as follows:

- (a) All parties and their counsel have the duty to preserve evidence that may be relevant to this action. The duty extends to documents, data, and tangible things in the possession, custody and control of the parties to this action, and any employees, agents, contractors, carriers, bailees, or other nonparties who possess materials reasonably anticipated to be subject to discovery in this action. Counsel is under an obligation to exercise reasonable efforts to identify and notify such nonparties, including employees of corporate or institutional parties.

(b) “Documents, data, and tangible things” is to be interpreted broadly to include writings; records; files; correspondence; reports; memoranda; calendars; diaries; minutes; electronic messages; voicemail; E-mail; telephone message records or logs; computer and network activity logs; hard drives; backup data; removable computer storage media such as tapes, disks, and cards; printouts; document image files; Web pages; databases; spreadsheets; software; books; ledgers; journals; orders; invoices; bills; vouchers; checks; statements; worksheets; summaries; compilations; computations; charts; diagrams; graphic presentations; drawings; films; charts; digital or chemical process photographs; video, phonographic, tape, or digital recordings or transcripts thereof; drafts; jottings; and notes. Information that serves to identify, locate, or link such material, such as file inventories, file folders, indices, and metadata, is also included in this definition.

(c) “Preservation” is to be interpreted broadly to accomplish the goal of maintaining the integrity of all documents, data, and tangible things reasonably anticipated to be subject to discovery in this action. Preservation includes taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, or mutation of such material, as well as negligent or intentional handling that would make material incomplete or inaccessible.

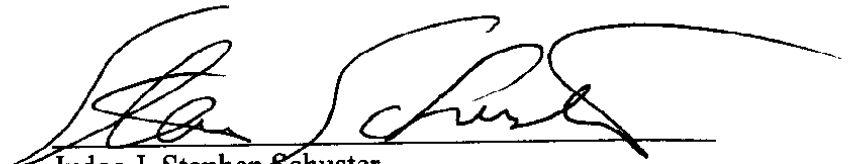
(d) If the business practices of any party involve the routine destruction, recycling, relocation, or mutation of such materials, the party must, to the extent practicable for the pendency of this order, either

- (1) halt such business processes;
- (2) sequester or remove such material from the business process; or

(3) arrange for the preservation of complete and accurate duplicates or copies of such material, suitable for later discovery if requested.

(e) A party may apply to the court for further instructions regarding the duty to preserve specific categories of documents, data, or tangible things. A party may seek permission to resume routine business processes relating to the storage or destruction of specific categories of documents, data, or tangible things, upon a showing of undue cost, burden, or overbreadth.

SO ORDERED, this 18 day of April, 2008.



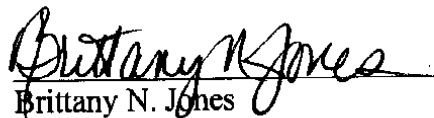
Judge J. Stephen Schuster
Superior Court of Cobb County
Cobb Judicial Circuit

CERTIFICATE OF SERVICE

I hereby certify that I have this day mailed a copy of the foregoing Order to the following parties:

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This 18 day of January 2008.



Brittany N. Jones
Staff Attorney to Judge J. Stephen Schuster
Superior Court of Cobb County