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13 **UNITED STATES DISTRICT COURT**
CENTRAL DISTRICT OF CALIFORNIA
14

15 BENNION & DEVILLE FINE	Case No. 5:15-CV-01921 R (KKx)
16 HOMES, INC., a California corporation, BENNION & DEVILLE	*Hon. Manual L. Real*
17 FINE HOMES SOCAL, INC., a California corporation, WINDERMERE SERVICES SOUTHERN	**DECLARATION OF JOSH CRISTENSON IN SUPPORT OF**
18 CALIFORNIA, INC., a California corporation,	**JOINT STIPULATION RE:**
19 Plaintiffs,	**PLAINTIFFS' MOTION TO**
20 v.	**COMPEL PRODUCTION OF DOCUMENTS AND RESPONSES**
21 WINDERMERE REAL ESTATE	Courtroom: 8
22 SERVICES COMPANY, a Washington corporation; and DOES 1-10	
23 Defendant.	
24	
25 AND RELATED COUNTERCLAIMS	Complaint Filed: September 17, 2015

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I, Josh Christenson, declare as follows:

1.   I am employed by Moxi Works as a Windows Administrator. I have been an employee of Moxi Works since 2013. As a Windows Administrator, I am responsible for Windows server administration, employee workstation management, Office 365 administration, and internal networking infrastructure. The statements in this declaration are based upon my personal knowledge, and if called as a witness, I could testify competently thereto.

2.   Moxi Works provides integrated IT products and services for real estate professionals. Originally founded as Windermere Solutions, Moxi Works was initially started to provide IT products and services to Windermere Real Estate Services Company's ("WSC") franchisees and agents. Moxi Works currently has contracts with a number of other real estate companies. However, it still provides WSC with its IT systems, including but not limited to managing its electronic mail.

3.   On January 14 and 15, 2016, I met with WSC's attorneys in this action in order to discuss the collection of WSC's electronically stored information for review and production in this case. At this meeting, I was asked to set up a virtual private network ("VPN") on one of WSC's servers so that electronic documents could be uploaded by WSC employees in Seattle onto the VPN. Those documents could then be accessed by WSC's attorneys in San Diego.

4.   During my meetings with WSC's attorneys we also discussed the collection of e-mails that would be responsive to the discovery requests received by WSC. One of WSC's attorneys, Jeff Feasby, subsequently provided me with the names of the primary custodians whose emails were to be collected. Mr. Feasby also provided me with search terms to use in searching the custodian's emails for potentially responsive emails.

5.   The tool used for all queries was Microsoft Office 365 online "eDiscovery," which is provided to Office 365 administrators for complex queries. It is only accessible when logged into the Microsoft hosted Office 365 system with a

1 browser.

2   6.   Based on the search terms provided by Mr. Feasby, there were six sets

3 of requested eDiscovery query data criteria. Each data set was broken into four sub-

4 groups, with one data set needing to be split into two separate groups then into sub-

5 groups. Each of the groups required an individual eDiscovery query to be created.

6 Each query always required two things: (1) determining which mailbox should be

7 queried; and (2) applying the requested eDiscovery query.

8   7.   The search query required writing a complex query string based on the

9 query criteria while also accounting for content from privileged sources, which was

10 the subject of separate queries. This was an involved process that required manual

11 and multiple-person verification that all content that should be found was indeed

12 found during the searches plus properly fit the query criteria. Many of the queries

13 had to be revised in order to make sure that we were capturing all of the emails that

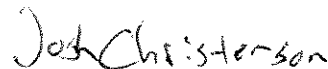14 counsel wanted to collect.

15   8.   Once the eDiscovery query process was complete for each category, we

16 would export all of the search results into Personal Storage Tables, (PST files).

17 PSTs are a standard file type used by Microsoft email clients for importing and

18 exporting data from a mailbox. For every search run, a PST export file was created,

19 containing all of the results discovered during the search, for each mailbox.

20 Following this export, all PST files were uploaded to the VPN for counsel to review

21 and production. In total, there were 166 PST files uploaded to the VPN. Each one

22 of those PST files consisted varying numbers of emails, with some of the files

23 containing thousands of potentially responsive emails.

24   9.   Upon review, we found an issue with some of the emails that rendered

25 them unreadable in the PST export files. We worked extensively with Microsoft

26 support to determine the cause of the issue and to find a solution. This

27 troubleshooting process included multiple extended phone calls, remote desktop

28 screen sharing, and discussions through email. After running several tests, plus

queries interactively with Microsoft, their data monitoring software gathered enough data and the support request escalated to a senior Microsoft Engineer. Further troubleshooting was done with this engineer. Recently, Microsoft released a software update to Office 365 that initially appeared to have corrected the issue of unreadable emails. However, there remain a handful of exported individual emails that cannot be opened by counsel through the VPN. I am still working with Microsoft to resolve this issue or to come up with a workaround.

10. Although ongoing, I estimate that as of today, I have spent over 125 hours on the collection of emails for WSC's attorneys to review and produce for this case.

I declare under penalty of perjury under the laws of the United States of America that the forgoing is true and correct, executed this 5th day of May, 2016, at Seattle, Washington.

Josh Christenson