

**Appendix E**

**Chats Involving Custodians in Which Participants Acknowledged History “Off” Was To Suppress Discovery**

Bates	Custodian Involved	Chat Date	Hold Date	Chat Excerpt
NRFSUPP_0000876178	[REDACTED]		02/03/2021	<p>[REDACTED] 2022-02-08T 17:50:53.389Z                      Chat probably isn't the best way to archive important information for reference later . . . .</p> <p>[REDACTED] 2022-02-08T 7:51 :27.854Z                      it's a risk management issue.</p> <p>[REDACTED] 2022-02-08T 7:52:19.691Z                      One on one chats are more likely to be taken out content, especially as some records age out in other systems. The communication patterns tend to be more hyperbolic and disciplined.</p> <p>. . .</p> <p>[REDACTED] 2022-02-08T 17:52:29.142Z                      funnily enough, that's exactly why PayPal preserved it for 3 years - philosophy was "if you're communicating using a company tool, assume it's legally discoverable"</p> <p>[REDACTED] 2022-02-08T 7:52:55.426Z                      every company has a different philosophy on retention and appetite for risk</p>
GOOG-AT-MDL-008023410	[REDACTED]	08/11/2022	12/10/2019	<p>[REDACTED] 2022-08-11T19:10:59.425Z                      What is the chat history retention policy and is there a way to make it "forever"?</p> <p>[REDACTED] 2022-08-11T19:30:16.882Z  <a href="https://support.google.com/info-gov/answer/9366391">https://support.google.com/info-gov/answer/9366391</a>                      History "on" means 30 days for 1:1 chats, and 18mo for group chats. The 30-day thing has bit me a few times unfortunately.</p> <p>[REDACTED] 2022-08-11T19:31:10.693Z</p>

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				<p>...</p> <p>probably not a great idea for a public company unless you want to end up getting deposed alot</p>
GOOG-AT-MDL-008029209	[REDACTED]		02/03/2021	<p>[REDACTED] 2019-01-21T19:56:31.959Z_&gt;</p> <p>Why would Google keep email for 2 years but make chats off the record by default</p> <p>[REDACTED] 2019-01-21T20:09:47.088Z</p> <p>getting dangerously close to lawyercat territory here, but I assume that chats are considered to be more like in person conversations where people are less 'careful' with their words than in email</p>
NRFSUPP_0001024231	[REDACTED]		10/04/2019	<p>[REDACTED] February 9, 2023 at 2:09:43 AM UTC</p> <p>should we turn history on or off here? i'm confused</p> <p>[REDACTED] February 9, 2023 at 2:10:31 AM UTC</p> <p>Not sure....I think it's dependent on the individual and whether they are on lit hold?</p> <p>[REDACTED] February 9, 2023 at 2:32:48 AM UTC</p> <p>Last I checked I had 6 lit holds.....thanks for turning it off TT</p> <p>[REDACTED] February 9, 2023 at 2:33:03 AM UTC</p> <p>Jeez</p> <p>[REDACTED] February 9, 2023 at 2:35:15 AM UTC</p> <p>Yikes</p> <p>[REDACTED] February 9, 2023 at 2:35:31 AM UTC</p> <p>When I responded it turned on history again....</p> <p>[REDACTED] February 9, 2023 at 2:35:54 AM UTC</p> <p>Oh wow</p> <p>[REDACTED] February 9, 2023 at 2:36:12 AM UTC</p> <p>And ya wonder why I communicate less freely than most.....</p> <p>[REDACTED] February 9, 2023 at 2:36:48 AM UTC</p>

Bates	Custodian Involved	Chat Date	Hold Date	Chat Excerpt
				<p>And I am not seeing an option to turn history off on my side  ██████████ February 9, 2023 at 2:36:53 AM UTC</p> <p>This is new  ██████████ February 9, 2023 at 3:02:14 AM UTC</p> <p>turned it off, let's see what happens  ██████████ February 9, 2023 at 4:03:56 AM UTC</p> <p>Test  ██████████ February 9, 2023 at 4:04:12 AM UTC</p> <p>Hmm</p>
GOOG-AT-MDL-B-004633186	██████████		12/10/2019	<p>██████████ December 19, 2018 at 10:14:57 PM UTC</p> <p>██████████, yeah, it can be confusing. * Basically, I try to imagine what it'd be like sitting in court with an opposing-team lawyer taking my words out of context, and then I try not to write those words down in a discoverable medium. * Especially sensitive: privacy, security, finance, competitive landscape (monopoly, crushing competition, etc.). e.g., ixnay to "our app practically leaks our users' data like a sieve! Good thing we basically crushed our competitors earlier!" So yeah, erroring on the side of caution makes for less interesting, sometimes even less useful written communication. But that's why we have off-the-record chats, VCs, in-person meetings, phone calls, etc. (for when we really _ are _ worried about something specifically ending up in court or resulting in Bad Stuff(tm)).</p>
GOOG-AT-MDL-B-004290134	Adam Stewart		??	<p>██████████ December 17, 2018 at 6:29:00 PM UTC</p> <p>Off the record chat has worked that way for a long time and changing the behavior to persistent messages till read would raise</p>

Bates	Custodian Involved	Chat Date	Hold Date	Chat Excerpt
				issues for customers who disable chat history because it's considered 'interim work product' and not subject to eDiscovery.
GOOG-AT-MDL-B-004428141	[REDACTED]		03/05/2020	[REDACTED], 2013-09-18 09:27:34 Let's chat offline [REDACTED], 2013-09-18 09:27:41 I don't want to be deposed ;)
GOOG-AT-MDL-010146303	Aparna Pappu		10/04/2019	[REDACTED] 2021-08-19T18:30:55.914Z That being said... going to create a new Space for this crew (with history off), and I'll re-add the link. [REDACTED] 2021-08-19T19:4022.513Z if history is off then link wont work as in wont be persistent -- if we can keep history on even better [REDACTED] 2021-08-19T19:57:57.397Z very tactical - but for anything M&A related our pref is history off
GOOG-AT-MDL-010366478	[REDACTED]	11/10/2021	03/05/2020	[REDACTED] 2021-11-10T18:15:58.284Z ok for me to keep history on here? need to keep some info for memory purposes ☺ [REDACTED] 2021-11-10T18:34:34.134Z [REDACTED], unfortunately, I'm not supportive of turning history on. The discussion that started this thread gets into legal and potentially competitive territory, which I'd like to be conscientious of having under privilege. So that you're aware, when history is on, it's discoverable. Sometimes that's totally fine but I'd like to stick to the default of history off. Thanks