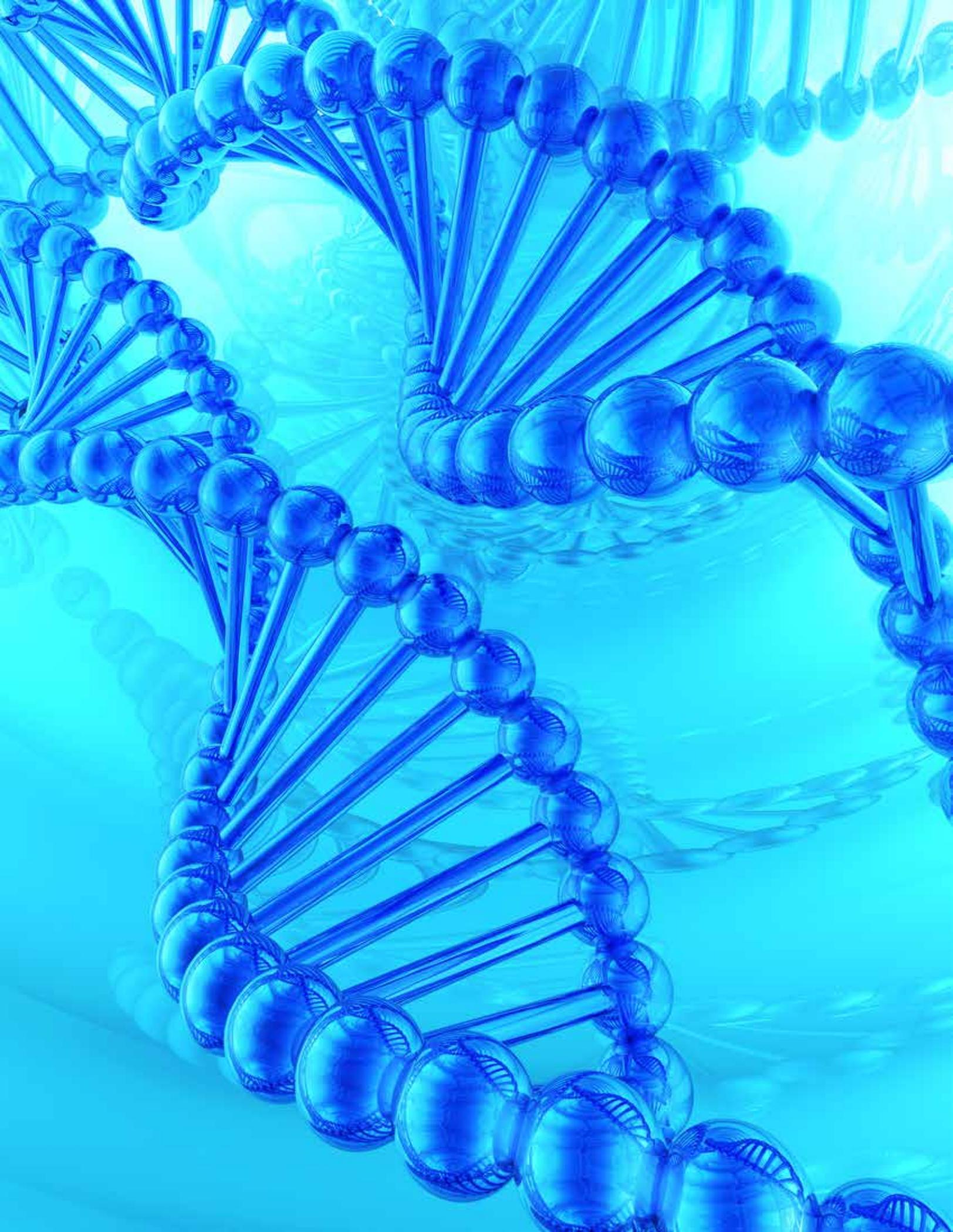


# Complete Discovery Management



**NightOwl**Discovery®  
Case Study



NightOwl has a long history of leadership and experience providing discovery management services to the life sciences sector. Working directly with many global medical device and pharmaceutical companies for over 25 years, NightOwl is an expert on bet-the-company litigation matters and large-scale regulatory investigations. Through this experience, we have developed customized life sciences industry specific workflows that help to streamline the unique needs of this sector. NightOwl accelerates case initiation, collection, filtering and review through deep understanding of life sciences data topography and through the use of advanced text analytics tools. This case study involves a recent matter and NightOwl's approach to comprehensive discovery management.

## THE EVENT

A US life sciences company with significant international operations across the EU engaged NightOwl to provide comprehensive discovery management services to assist in their defense of a highly complex, large-scale product liability litigation venued in the US. Discovery requests in the matter included email and other electronically stored information (ESI) created and stored in multiple locations in the US, Canada and throughout the EU for more than 600 custodians.

### Data sources:

- Active custodian email accounts
- Email contained in multiple archive systems
- Personal shares
- Group and departmental shares
- SharePoint data
- Structured data
- Hardcopy lab notebooks and submission files

### NightOwl's client was facing the following key challenges:

- Collecting and filtering tens of millions of documents from the US and EU from disparate systems
- Complying with EU Data Privacy Law while still meeting US discovery obligations
- Review of tens of millions of documents for relevance, complex scientific and legal issues and product information



In total, the case included over 30 terabytes of primarily unstructured data, translating into 80 million records for filtering, processing, advanced analytics, hosting, review and production. The data universe included highly duplicative data for nearly 600 custodians, written in 8 languages and referencing scientific industry-specific terminology.

## THE SOLUTION

### Consulting & Project Management

NightOwl assigned a case team consisting of two senior project managers with complex life sciences case experience, one senior advanced analytics analyst, and two senior data technicians. All NightOwl senior project managers are licensed attorneys and are Certified eDiscovery Specialists (CEDS), as well as Relativity Certified Administrators (RCA). The senior technicians have

broad experience with data collection, email archives and large-scale data processing and are also RCA's and carry data collection certifications.

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NightOwl's extensive knowledge of life sciences data topography was valuable in determining possibly overlooked data sources and eliminating redundant and non-relevant sources.

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An early planning team was designated to work with the client's IT team and outside counsel to create a data map for the custodian pool as well as non-custodian data sources containing potentially responsive information. NightOwl's extensive knowledge of life sciences data topography was valuable in determining possibly overlooked data sources and eliminating redundant and non-relevant sources. From there, NightOwl, the client and outside counsel collaborated to create a hold, collection and processing plan that specified rolling delivery of data as sources were identified, accessed and harvested.

Throughout the case, NightOwl collaborated closely with the client's global outside counsel and jointly supported the client's in-house legal team. With so many complicating factors, this case required a careful and comprehensive global strategy. Planning, execution, process management and reporting were the key to success.

### **Collection & Data Tracking**

NightOwl worked with the client to coordinate the collection of all departmental data, email and local drive data for each of the 600 custodians. Collections were performed in collaboration with the client's IT group and NightOwl technicians. The data was collected and delivered on a rolling basis on more than 300 pieces of individual media that were bar coded, entered into evidence, documented and tracked by NightOwl.

### **Filtering, Processing & Hosting**

In addition to standard deduplication and deNIST processing, NightOwl indexed all incoming data in order to apply filters to the data universe to identify potentially relevant documents. The filter lists were created by outside counsel. NightOwl provided consulting regarding the filtering lists and made modification suggestions so that the list was as efficient and effective as possible. The filtering term list was complex, containing 200 distinct search terms, including wild card and proximity operators. Through effective filtering and data deduplication, NightOwl reduced the data volume from 80 million documents to 18 million documents promoted to hosting on NightOwl's state-of-the-art Relativity platform by kCura.

EU data was collected and processed in parallel. The EU data required processing, filtering and hosting in the EU, utilizing NightOwl's dedicated EU processing and hosting capabilities. The filtered data was reviewed in the EU for privacy compliance and redacted to satisfy EU privacy

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regulations before being transferred to the US to reside in the central hosting repository.

NightOwl designed a comprehensive workflow and provisioned and maintained the Relativity workspace accordingly. NightOwl's client service teams provided 24/7 support for over three years in order to maximize review efficiencies and match the client's production deadline schedule.



### **Advanced Text Analytics**

NightOwl utilized advanced text analytics (ATA) in order to gain further visibility into the review sets and optimize the review workflow based on statistics from training data sets. Documents with high relevance scores were promoted to priority review batches so that the most important records were reviewed and coded early in the process. Discrepancy analysis was used to

enhance review quality control by comparing ATA scores with review results.

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The client chose NightOwl's managed review services in order to streamline the review process under one project management team and to maximize the advantages of integrated advanced text analytics.

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### **Review**

The client chose

NightOwl's managed review services in order to streamline the review process under one project management team and to maximize the advantages of integrated advanced text analytics. NightOwl utilized as many as 120 concurrent multilingual legal and scientific expert reviewers at our review center headquarters in Minneapolis, MN. The reviewers excelled and learned to comprehend complex industry terminology quickly and effectively. The project team, working closely with the review management team and outside counsel, were able to identify process efficiency points and accelerate the review as it progressed.

### **Productions**

Throughout the matter, 550 individual document productions were made totaling 8 million documents consisting of approximately 55 million pages. Document productions were produced with structured load files, images, text, and native files. Video, audio and PDF images were also produced.

The document productions were created directly out of the master Relativity review workspace. Using NightOwl's streamlined process for creating and quality checking production sets, production requests were typically turned around within 48-72 hours.

## THE RESULT

NightOwl's comprehensive approach to discovery management and knowledge of life sciences data topography allowed the client to plan, collect, filter, host, review and produce over 8 million relevant documents from an initial population of over 80 million documents. The client was able to meet the onerous production schedule deadlines, even with a highly rich and complex data set. The Relativity hosting workspace continues to provide a highly organized repository of the ongoing case data.

## THE BENEFIT TO YOU

NightOwl teams excel at complex life sciences matters by applying effective processes developed from experience. Our project managers comprehend multifaceted scenarios and design actionable workflows specific to the requirements of your life science needs. We are able to process large quantities of data, regardless of geographic source or language, quickly and inexpensively. The combination of sophisticated, attorney-led project teams and best of breed technology promotes faster and more accurate reviews. Our review teams have battle-tested domain expertise in life sciences. Our experience in the life sciences means that when you engage NightOwl Discovery, you hit the ground running.

**NightOwl Discovery - Now you're ready.**

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A leader in Corporate Discovery Management, NightOwl Discovery helps companies in the most demanding industries reach their discovery, compliance, investigations and data analytics objectives. NightOwl helps enterprise customers maximize investments in people, process and technology. NightOwl provides a comprehensive and global discovery offering that spans the entire EDRM for customers in the US, EMEA and APAC. Please contact [info@nightowldiscovery.com](mailto:info@nightowldiscovery.com) or visit [nightowldiscovery.com](http://nightowldiscovery.com) for more information. **NightOwl Discovery - Now you're ready.**

