

United States House of Representatives  
Committee on Financial Services  
2129 Rayburn House Office Building  
Washington, D.C. 20515

April 20, 2016

The Honorable Richard Cordray  
Director  
Consumer Financial Protection Bureau  
1700 G Street, NW  
Washington, D.C. 20552

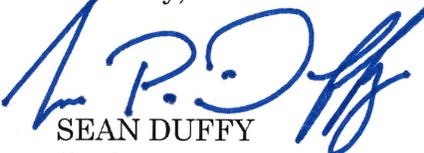
Dear Director Cordray:

The Committee is investigating the examination and possible regulation by the Consumer Financial Protection Bureau (Bureau) of pre-dispute arbitration agreements in contracts for consumer financial products and services. Accordingly, to allow the Committee to carry out its oversight responsibilities under the House Rules,<sup>1</sup> please provide the following information by not later than May 4, 2016:

- 1) All communications relating to pre-dispute arbitration agreements between the Bureau and the following entities: American Association for Justice, National Consumer Law Center, National Association of Consumer Advocates, Alliance for Justice, and Public Justice.
- 2) All internal Bureau communications relating to pre-dispute arbitration agreements;
- 3) All draft reports concerning arbitration agreements; and
- 4) All records relating to the Small Business Regulatory Enforcement Fairness Act process employed in considering any actions pertaining to pre-dispute arbitration agreements.

If you have any questions regarding this request, please have your staff contact Joe Gammello of the Committee staff at (202) 225-7502.

Sincerely,



SEAN DUFFY  
Chairman  
Subcommittee on Oversight  
and Investigations

cc: The Honorable Al Green, Ranking Member

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<sup>1</sup> Rule X, Rules of House of Representatives, 114th Cong.

## Committee Records Request Instructions

1. In complying with this request, you are required to produce all responsive records that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You shall also produce records that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as records that you have placed in the temporary possession, custody, or control of any third party. Requested records shall not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization, or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. A cover letter shall be included with each production and include the following:
  - a. A list of each piece of media included in the production with its unique production volume number.
  - b. A list of custodians, identifying the Bates range for each custodian.
  - c. The time zone in which the emails were standardized during conversion.
  - d. All Bates Prefix and Suffix formats for records contained in the production.
4. Records shall be produced to the Committee on one or more CDs, memory sticks, thumb drives, or USB hard drives. Production media shall be labeled with the following information: Case Number, Production Date, Producing Party, Bates Range.
5. All records shall be Bates-stamped sequentially and produced sequentially.
6. Records produced shall be organized, identified, and indexed electronically.
7. Only alphanumeric characters and the underscore (“\_”) character are permitted in file and folder names. Special characters are not permitted.

8. Electronic record productions shall be prepared according to the following standards:
  - a. All submissions must be organized by custodian unless otherwise instructed.
  - b. Productions shall include:
    1. A Concordance Data (.DAT) Load File in accordance with metadata fields as defined in **Appendix A**.
    2. A Standard Format Opticon Image Cross-Reference File (.OPT) to link produced images to the records contained in the .DAT file.
    3. A file (can be Microsoft Word, Microsoft Excel, or Adobe PDF) defining the fields and character lengths of the load file.
  - c. The production format shall include images, text, and native electronic files. Electronic files must be produced in their native format, i.e., the format in which they are ordinarily used and maintained during the normal course of business. For example, a Microsoft Excel file must be produced as a Microsoft Excel file rather than an image of a spreadsheet. **NOTE:** An Adobe PDF file representing a printed copy of another file format (such as Word Document or Webpage) is NOT considered a native file unless the record was initially created as a PDF.
    1. Image Guidelines:
      1. Single or multi page TIFF files.
      2. All TIFF images must have a unique file name, i.e., Bates Number
      3. Images must be endorsed with sequential Bates numbers in the lower right corner of each image.
    2. Text Guidelines:
      1. All text shall be produced as separate text files, not inline within the .DAT file.

2. Relative paths shall be used to link the associated text file (FIELD: TEXTPATH) to the record contained in the load file.
      3. Associated text files shall be named as the BEGBATES field of each record.
    3. Native File Guidelines:
      1. Copies of original email and native file records/attachments must be included for all electronic productions.
      2. Native file records must be named per the BEGBATES field.
      3. Relative paths shall be used to link the associated native file (FIELD: NATIVEFILELINK) to the record contained in the load file.
      4. Associated native files shall be named as the BEGBATES field of each record.
  - d. All record family groups, i.e. email attachments, embedded files, etc., should be produced together and children files should follow parent files sequentially in the Bates numbering.
  - e. Only 1 load file and one Opticon image reference file shall be produced per production volume.
  - f. All extracted text shall be produced as separate text files.
  - g. Record numbers in the load file should match record Bates numbers and TIFF file names.
  - h. All electronic record produced to the Committee should include the fields of metadata listed in **Appendix A**.
9. Records produced to the Committee shall include an index describing the contents of the production. To the extent that more than one CD, hard drive, memory stick, thumb drive, box, or folder is produced, each CD, hard drive, memory stick, thumb drive, box, or folder shall contain an index describing its contents.

10. Records produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
11. When you produce records, you shall identify the paragraph or number in the Committee's request to which the records respond and add a metadata tag listing that paragraph or number (see **Appendix A**).
12. Two sets of records shall be delivered, one set to the Majority Staff and one set to the Minority Staff. To the extent the Minority Staff does not have an electronic record review platform, records shall be produced to the Minority Staff in searchable PDF format and shall be produced consistent with the instructions specified in this schedule to the maximum extent practicable.
13. Production media and produced records shall not be encrypted, contain any password protections, or have any limitations that restrict access and use.
14. It shall not be a basis for refusal to produce records that any other person or entity also possesses non-identical or identical copies of the same records.
15. In the event that a record is withheld, you shall provide a log containing the following information concerning any such record: (a) the reason why the record was withheld; (b) the type of record; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
16. If any record responsive to this request was, but no longer is, in your possession, custody, or control, you shall identify the record (stating its date, author, subject and recipients), and explain the circumstances under which the record ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a record is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all records which would be responsive as if the date or other descriptive detail were correct.
18. This request is continuing in nature and applies to any newly-discovered information. Any responsive record not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

19. Upon completion of the record production, you shall submit a written certification signed by you or your counsel, stating that: (1) a diligent search has been completed of all records in your possession, custody, or control which reasonably could contain responsive records; and (2) all records located during the search that are responsive have been produced to the Committee.

## **Committee Records Request Definitions**

1. The term “records” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded or preserved, and whether original or copy.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in an in-person meeting, by telephone, facsimile, e-mail (desktop or mobile device), text message, MMS or SMS message, regular mail, telexes, releases, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” means natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, and other units thereof.
5. The terms “pertaining to” or “referring or relating” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is in any manner whatsoever pertinent to that subject.



<b>Field Name</b>	<b>Sample Data</b>	<b>Description</b>
TIME_SENT/TIME_ZONE	07:05 PM GMT	Email: Time the email was sent/ Time zone in which the emails were standardized during conversion. Native: (empty) **This data must be a separate field and cannot be combined with the DATE_SENT field
TIME_ZONE	GMT	The time zone in which the emails were standardized during conversion. Email: Time zone Native: (empty)
NATIVEFILELINK	D:\001\ EDC0000001.msg	Hyperlink to the email or native file record **The linked file must be named per the FIRSTBATES number
MIME_TYPE	MSG	The content type of an Email or native file record as identified/extracted from the header
FILE_EXTEN	MSG	The file type extension representing the Email or native file record; will vary depending on the email format
AUTHOR	John Smith	Email: (empty) Native: Author of the record
DATE_CREATED	10/10/2010	Email: (empty) Native: Date the record was created
TIME_CREATED	10:25 AM	Email: (empty) Native: Time the record was created **This data must be a separate field and cannot be combined with the DATE_CREATED field
DATE_MOD	10/12/2010	Email: (empty) Native: Date the record was last modified
TIME_MOD	07:00 PM	Email: (empty) Native: Time the record was last modified **This data must be a separate field and cannot be combined with the DATE_MOD field
DATE_ACCESSD	10/12/2010	Email: (empty) Native: Date the record was last accessed
TIME_ACCESSD	07:00 PM	Email: (empty) Native: Time the record was last accessed **This data must be a separate field and cannot be combined with the DATE_ACCESSD field
PRINTED_DATE	10/12/2010	Email: (empty) Native: Date the record was last printed
NATIVEFILESIZE	5,952	Size of native file record/email in KB **Use only whole numbers
PGCOUNT	1	Number of pages in native file record/email
PATH	J:\Shared\SmithJ\October Agenda.doc	Email: (empty) Native: Path where native file record was stored including original file name
INTFILEPATH	Personal Folders\Deleted Items\Board Meeting Minutes.msg	Email: original location of email including original file name Native: (empty)
INTMSGID	<000805c2c71b\$75977050\$cb 8306d1@MSN>	Email: Unique Message ID Native: (empty)

Field Name	Sample Data	Description
MD5HASH	d131dd02c5e6eec4693d9a 069 8aff95c 2fcab58712467eab400458 3eb 8fb7f89	MD5 Hash value of the record
TEXTPATH	\TEXT\AAA0001.txt	Path to the record's text file that contains extracted text to be used for processing. Every record has a relative path to its text file in this field. <b>Note:</b> These paths may also be fully qualified; and thus do not have to be relative.
NATIVEFILEPATH	\NATIVES\MESSAGE1.msg; \NATIVES\ATTACHMENT1.doc	Path to the record's native file. Every record has a relative path to its native file in this field. <b>Note:</b> These paths may also be fully qualified; and thus do not have to be relative.
HANDWRITTEN	YES	Field should be marked "YES" if the record has any handwritten notes or other text that is not contained in the text file
REDACTED	YES	Field should be marked "YES" if the record contains any redactions, "NO" otherwise

### Metadata Fields Required Upon Specific Request

Field Name	Sample Data	Description
TAGS	FirstPass\Responsive; FirstPass\ForQC	If requested – a list of tags assigned to the record. Multiple tags are separated by the multi-value separator, for example: "A; B; C", and nested tags are denoted using the nested value separator, for example: "X\Y\Z". Tags for attachments will appear under the custom field "ATTACHMENT_TAGS".
FOLDERS	JohnDoeDocs\FirstPass	If requested – a list of folders of which the record is a part. Multiple folders are separated by the multi-value separator, for example: "A; B; C", and nested folders are denoted using the nested value separator, for example: "X\Y\Z". Folders for attachments will appear under the custom field "ATTACHMENT_FOLDERS".