Exhibit Q
AMENDED AFFIDAVIT OF CONNIE LYNN FEINSTEIN

BEFORE ME, the undersigned Notary Public, on this day personally appeared Connie Lynn Feinstein, known to me to be the person whose name is subscribed below, who being duly sworn, deposed and states as follows:

1. I am over 18 years of age and either have personal knowledge of the matters set forth herein, or state facts based upon information and belief. For the facts stated upon information and belief, I have made reasonable inquiries of individuals with knowledge to confirm the information to the best of my abilities. If called as a witness, I could and would competently testify to the contents herein.

2. I am the Security and Consulting Manager in Information Technology ("IT") Risk Management for Exxon Mobil Corporation ("ExxonMobil"). I have the authority to, and have been authorized to, make this affidavit on behalf of ExxonMobil.
3. I have more than 20 years of experience with ExxonMobil. My job duties have included involvement with the development and implementation of legal hold, preservation, and collection processes at ExxonMobil. I have also been involved in identity and access management, as well as IT risk management process and compliance.

The Atlas E-Discovery Tool

4. In November 2008, ExxonMobil rolled-out the Atlas e-Discovery Process Management legal hold tool ("Atlas") to replace a preexisting process. Since that time, ExxonMobil has used Atlas to support its efforts to preserve electronically stored information.

5. ExxonMobil’s Law Department uses Atlas to institute and send legal hold notices, and to select and to add employees to those holds.

Subpoena Issued to ExxonMobil

6. On November 4, 2015, ExxonMobil received a subpoena from the Environmental Protection Bureau of the New York Office of the Attorney General (the "Subpoena"). The Subpoena sought documents relating to ExxonMobil’s past climate change research and public statements concerning climate change.

The Management Committee

7. At the time that the Attorney General issued the Subpoena, the Management Committee of Exxon Mobil Corporation consisted of six members: Rex W. Tillerson, Darren Woods, Mark Albers, Jack P. Williams, Andrew Swiger, and Michael Dolan (the “Management Committee Custodians”).

8. On November 6, 2015, ExxonMobil issued a legal hold notice through Atlas instructing the Management Committee Custodians and others to preserve information responsive to the subpoena (the “Legal Hold”).
9. As reflected in Atlas, by November 12, 2015, all Management Committee Custodians had confirmed receipt of the legal hold notice.

10. As the most senior members of the company, the Management Committee Custodians are privy to highly confidential and sensitive information about ExxonMobil’s ongoing business, which could include details of acquisitions or other commercial matters.

11. The information contained in their files, if revealed, would confer an unwarranted competitive advantage on ExxonMobil’s competitors and could potentially move markets.

12. To preserve the confidential nature of the extremely sensitive information held by these custodians, ExxonMobil’s Law Department, in consultation with outside counsel, developed a search protocol that would prevent the upload of large quantities of nonresponsive Management Committee files to the platform of a third-party electronic discovery vendor (“e-discovery vendor”).

First Search

13. When initially implemented in January 2016, the search protocol for the Management Committee involved (i) conducting searches in Microsoft Outlook to extract files likely to contain potentially responsive information, and (ii) manually identifying potentially responsive non-email and hardcopy documents.

14. This discovery protocol differed from the one used for other ExxonMobil custodians, which began with the upload of large quantities of unfiltered data (i.e., data to which search terms had yet to be applied) to an e-discovery vendor’s platform.  

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1 It was only after this unfiltered material was uploaded that the complex search terms, requested by the Attorney General on December 16, 2015, were applied.
15. Because an unfiltered collection of documents from the Management Committee risked exposing commercially sensitive data to third parties, ExxonMobil elected to conduct a preliminary review of the Management Committee Custodians’ emails and attachments in Microsoft Outlook before collecting them and providing them to ExxonMobil’s e-discovery vendor.

16. This preliminary review was conducted using simplified versions of the complex search terms requested by the Attorney General on December 16, 2015. This was necessary because the native capabilities of Microsoft Outlook do not support the use of sophisticated Boolean search string operators (such as, for example, proximity connectors).

17. A chart comparing the simplified search terms used for the Management Committee Custodians and the complex search terms used for other custodians is attached as Exhibit A to this affidavit.

18. Potentially responsive emails and non-email electronic documents were stored in a folder in the personal drive of each Management Committee Custodian.

19. These folders were then collected by ExxonMobil Information Technology ("EMIT"), uploaded to the platform of ExxonMobil’s e-discovery vendor, and made available for manual review by ExxonMobil’s outside counsel.

Second Search

21. In December 2016, during a court-ordered meet-and-confer with the Attorney General, ExxonMobil agreed to run the term “proxy cost” across all custodians from whom it had produced documents to date.

22. At that time, out of an abundance of caution, ExxonMobil crafted additional search terms to run across the email files of the Management Committee Custodians to ensure that all potentially responsive documents had been captured.

23. The additional search terms included “climate,” “weather,” “temperature,” “anthropogenic,” “stranded,” “fossil fuel emissions,” and “proxy cost.”

24. ExxonMobil conducted a second Microsoft Outlook search using these terms.

25. Potentially responsive emails identified through the use of these terms were stored in a folder in the personal drive of each Management Committee Custodian.

26. These folders were then collected by EMIT, uploaded to the platform of ExxonMobil’s e-discovery vendor, and made available for manual review by ExxonMobil’s outside counsel.

27. Responsive, non-privileged documents resulting from this search were produced to the Attorney General on February 15, 2017.

Third Search

28. After running the second search and as a result of negotiations with the Attorney General, ExxonMobil agreed to run four additional complex Boolean search strings against the unfiltered data of all custodians from whom it had produced documents to date.
29. This agreement was reached on January 17, 2017. These four search strings, combined with the term “proxy cost” and the December 16, 2015 search terms requested by the Attorney General, are referred to below as the “Complete Search Terms.”

30. On February 17, 2017, the Attorney General inquired about the volume of data produced from the files of the Management Committee Custodians.

31. In response to that inquiry, ExxonMobil crafted additional broad simplified search terms designed to capture all documents that would have hit on the four supplemental complex Boolean search strings agreed to on January 17, 2017. These terms included “proxy,” “implied,” “shadow,” “methane,” “CH4,” “climat!” “emission!” and “emit!”

32. ExxonMobil applied these simplified search terms and all previously crafted simplified search terms across relevant emails, hard drives, and shared drives belonging to the Management Committee Custodians.

33. Potentially responsive electronic documents identified through the use of these terms were stored in various folders.

34. These folders were then collected by EMIT, uploaded to the platform of ExxonMobil’s e-discovery vendor, and made available for manual review by ExxonMobil’s outside counsel.

35. All responsive, non-privileged documents resulting from this search were produced on March 18, 2017.

**Fourth Search**

36. To avoid a protracted debate about search methodologies, in March 2017, ExxonMobil collected and uploaded the unfiltered data of the six Management Committee Custodians to the platform of ExxonMobil’s e-discovery vendor.
37. As part of this process, ExxonMobil’s e-discovery vendor was instructed to apply the Complete Search Terms to the unfiltered data of the Management Committee Custodians.

38. The e-discovery vendor was directed to make all documents that hit on the Complete Search Terms available for manual review by ExxonMobil’s outside counsel.

39. Responsive, non-privileged documents resulting from this manual review were subsequently produced on March 21, 2017 and March 24, 2017.

The Wayne Tracker Account

40. As a standing practice, ExxonMobil employees are assigned only one email account on the ExxonMobil platform.

41. An exception to the single email account rule was made in October 2007 for Rex W. Tillerson, former Chairman and CEO of ExxonMobil. At that time, Mr. Tillerson had a primary Lotus Notes email account, like all other employees. Mr. Tillerson’s primary email account was rex.w.tillerson@exxonmobil.com (the “Primary Account”). On October 23, 2007, ExxonMobil created a secondary email account for Mr. Tillerson, wayne.tracker@exxonmobil.com (the “Wayne Tracker account”).

42. The Legal Hold, as well as ExxonMobil’s general collection and production efforts in this matter, focused on specific custodians (i.e., employees and officers of the company), not specific email accounts.

43. I understand that the Wayne Tracker account was established to address at least two concerns.

44. First, the Wayne Tracker account addressed a large influx of unsolicited external email communications directed at Mr. Tillerson. Email addresses at ExxonMobil are a straightforward combination of first name, middle initial, and last name followed by
@exxonmobil.com. I understand that it has become a common practice for activists and others to inundate corporate CEOs and other prominent figures with unsolicited messages, and that ExxonMobil’s two previous CEOs were among those targeted by such email campaigns.²

45. *Second,* the Wayne Tracker account addressed the then-existing limitations on email files in the Lotus Notes platform. A decade ago, the software available for automatically sifting and sorting incoming email was far more limited than today, especially for Lotus Notes. Therefore, ExxonMobil created a separate email account for Mr. Tillerson to help prioritize important internal communications.

**Email Address Migration from Lotus Notes to Microsoft Exchange**

46. In order to use the ExxonMobil computer network, each employee is assigned an Active Directory Account (an “ADA”).

47. In 2011, when ExxonMobil began migrating from IBM’s Lotus Notes to the Microsoft Exchange Server 2007 email platform, the ADA was also used to access the Exchange email platform.

48. An employee’s ADA is associated with the ExxonMobil Exchange email account assigned to that employee.

49. By practice, an ADA is associated with only one Exchange email account on the ExxonMobil platform.

50. Because an ADA is associated with only one email account, Mr. Tillerson’s ADA account was not associated with the Wayne Tracker account when ExxonMobil

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migrated his email account from the Lotus Notes platform to the Microsoft Exchange platform in 2012.³

File Sweep Routine

51. The Microsoft Exchange platform to which ExxonMobil email addresses were migrated incorporated an automatic email deletion program (i.e., a “file sweep” routine).⁴

52. Recognizing that this automatic deletion process could affect emails subject to legal holds that remained in a legal hold recipient’s mailbox, ExxonMobil developed a process by which the “file sweep” routine would be suspended for persons subject to a legal hold in Atlas.

53. In the course of investigating a March 13, 2017 letter that the Attorney General filed with this Court, ExxonMobil discovered that the Wayne Tracker account, although searched on each of the four occasions described above in ¶¶ 13-39, was never exempted from the “file sweep” routine.

54. Based on reasonable inquiries, ExxonMobil determined that, in the design phase of the legal hold automation process in 2011, it had not considered the possibility that an employee might have more than one email account. Thus, while Atlas and other legal hold processes worked as designed, they did not provide for the unique circumstance where an ExxonMobil employee used a second email account.

³ Mr. Tillerson’s email accounts were migrated from the Lotus Notes platform to the Microsoft Exchange platform in or around late January or early February 2012.

⁴ At ExxonMobil, for Exchange Server 2007 mailboxes, the “file sweep” routine automatically identifies emails in a user’s mailbox that have been there for 395 days (from receipt or sent date) and moves them into a “Recycle Bin” folder in the user’s mailbox. These emails stay in the “Recycle Bin” for 30 days. Any data remaining in this folder after the 30-day period is then moved to the “Deleted Items” folder. After two days, emails in the “Deleted Items” folder are removed from the user’s mailbox. As such, it takes 427 days from receiving or sending an email for the automated “file sweep” program, if running, to remove an email from a user’s mailbox.
55. The Wayne Tracker account was ultimately not exempted from the “file sweep” routine because Mr. Tillerson’s ADA account was not associated with the Wayne Tracker account, which was classified as a non-personal account when it was migrated to the Microsoft Exchange platform in 2012.

56. As a result of this unique issue, when the January 2016 search described above was conducted on the Wayne Tracker account, emails sent or received from that account between and including September 5, 2014 and November 27, 2014 were not available for review.

57. When the fourth search described above was conducted, emails that might otherwise have been in the Wayne Tracker account between and including September 5, 2014 and August 17, 2015 were not available for review.\textsuperscript{5}

58. Mr. Tillerson is the only ExxonMobil employee who used a secondary email account.

\textit{Remediation}

59. Upon discovery of the circumstance regarding the continued operation of the “file sweep” routine against the Wayne Tracker account, ExxonMobil took immediate steps to remediate any inadvertent loss of relevant information that may have occurred. Over 50 members of EMIT, spending more than 1,000 aggregate hours over a 17-day period, worked to identify and execute recovery efforts. These steps included:

\begin{itemize}
\item \textbf{Backup Data.} ExxonMobil recovered backup data that existed for the Wayne Tracker account on the Microsoft Exchange Server 2007. Additionally, a
\end{itemize}

\textsuperscript{5} As described below in \S 59, subsequent to the fourth search, ExxonMobil identified a legacy disk-based backup device containing all available backups for the Wayne Tracker account. The oldest full backup from November 25, 2016 included emails contained within the Wayne Tracker account dating back to August 18, 2015.
legacy disk-based backup device containing full weekly backups was identified, and all available backups for the Wayne Tracker account were recovered, including the oldest full backup from November 25, 2016.

b. Laptops. ExxonMobil searched available company-owned laptops formerly used by Mr. Tillerson for recoverable data related to the Wayne Tracker account.

c. iOS Devices. ExxonMobil has searched company-owned iOS devices, including an iPhone and iPad, used by Mr. Tillerson before he separated from the company.

d. Data Carving. Through a third-party vendor, ExxonMobil conducted “data carving” forensics on the laptop last used by Mr. Tillerson.

e. Email Searching. ExxonMobil searched the emails of individuals known to communicate with the Wayne Tracker account. The e-discovery vendor was instructed to upload for manual review correspondence between these mailboxes and the Wayne Tracker account that hit on the Complete Search Terms.

60. Finally, I note that emails can be sent, received, and copied to multiple recipients. Accordingly, while the “file sweep” routine may have removed emails from the Wayne Tracker account, it would not have affected any emails to, from, copying, or blind copying the account that would have existed in either Mr. Tillerson’s primary account, or the mailboxes of other ExxonMobil employees subject to legal hold.
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FURTHER AFFIANT SAYETH NOT.

Connie Lynn Feinstein

SWORN TO AND SUBSCRIBED before me on this 19th day of April, 2017.

GENA MORGAN
Notary Public, State of Texas
Comm. Expires 01-27-2019
Notary ID 2961735

Notary Public in and for the State of Texas
My Commission Expires: 01-27-2019