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20 UNITED STATES DISTRICT COURT  
 21 EASTERN DISTRICT OF CALIFORNIA

23 RYAN COUCH and KENNETH JIMENEZ,  
 24 Plaintiffs,  
 25 v.  
 26 TOMMY WAN, KIMBERLI BONCORE, and  
 RALPH DIAZ,  
 27 Defendants.  
 28

Case No. 1:08-cv-01621-LJO-DLB

**JOINT STIPULATION AND  
 [PROPOSED] ORDER  
 REGARDING CDCR  
 PRODUCTION OF ELECTRONIC  
 DISCOVERY**

No Hearing Requested

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Pursuant to the agreement made at the March 22, 2012 telephonic conference before the Court, Plaintiffs RYAN COUCH and KENNETH JIMENEZ, Defendants TOMMY WAN, KIMBERLI BONCORE, and RALPH DIAZ, and the CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHALIBITATION (collectively, the “Parties”), by and through their respective counsel of record, jointly request that the Court adopt the following stipulation with respect to CDCR’s production of electronic discovery.

The Parties hereby stipulate as follows:

1. **By March 30, 2012**, CDCR shall provide Plaintiffs all electronic documents for the 2005-2008 period based on Plaintiffs’ January 20, 2012 Revised List of Search Terms. Plaintiffs will review the electronic documents (*e.g.*, take a “quick peek”), and then identify a subset of responsive documents for CDCR’s official production with Bates numbering.

2. **By April 13, 2012**, and except for documents identified as having an attorneys name via an electronic search, CDCR shall provide Plaintiffs all electronic documents for the post-2008 period based on Plaintiffs’ January 20, 2012 Revised List of Search Terms. Plaintiffs will review the electronic documents (*e.g.*, take a “quick peek”), and then identify a subset of responsive documents for CDCR’s official production with Bates numbering. CDCR will make a diligent and good faith effort to comply with the April 13, 2012 production deadline. CDCR will notify Plaintiffs’ counsel as soon as possible should CDCR have good cause to believe it will not meet the April 13, 2012 production deadline.

3. Within ten (10) business days after Plaintiffs have completed their review of each subset of documents described above and submitted to CDCR a list of documents for production, Plaintiffs shall return to CDCR or destroy the electronic data.

4. The Parties agree to the following amendment to the Protective Order:

Any person who, prior to official production of documents as signified by Bates numbers being applied to those documents, has reviewed or accessed another Party’s raw electronic data that is ultimately deemed by agreement of the Parties or judicial determination to be non-responsive or irrelevant to the claims in this litigation shall be prohibited from using any such raw electronic discovery deemed non-responsive or irrelevant for any other purpose, including but not limited to further investigation, initiation of a separate lawsuit, representation in a separate lawsuit, or referral for

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initiation of a separate lawsuit. Before beginning review of the other Party’s raw electronic data, the receiving Party shall first identify any person who will be reviewing the raw electronic data.

5. The Parties are filing along with this Joint Stipulation and Order a Third Amended Protective Order adding the new provision from Paragraph 4.

Dated: March 23, 2012

Respectfully submitted,

MORRISON & FOERSTER LLP  
BROOKS M. BEARD  
DANIEL A. ZLATNIK

By: /s/ Brooks M. Beard

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MARY HORST

By: /s/ Mary Horst

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Boncore, and Ralph Diaz*

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: March 27, 2012

By: /s/ Dennis L. Beck  
Dennis L. Beck  
U.S. Magistrate Judge