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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SECURITIES AND EXCHANGE COMMISSION,)	Case No.: 1:16-CV-00344 LJO JLT
)	
Plaintiff,)	ORDER AFTER INFORMAL CONFERENCE RE:
)	IMAGING THE PERSONAL COMPUTERS OF
v.)	DANIEL NASE AND MARGARITA NASE
)	
BIC REAL ESTATE DEVELOPMENT CORPORATION, et al.,)	
)	
Defendants.)	
)	

On May 16, 2016, the Court held an informal telephonic conference related to an issue raised at the scheduling conference. (Doc. 63) At issue was the SEC’s request to have the personal laptops of Daniel Nase and Margarita Nase imaged. The SEC did not seek to obtain any information taken from the images or to view the images but, rather, to have the images maintained to ensure the information contained on the computers were preserved. The SEC founded its concern on a showing that Mr. Nase altered or falsified a document produced in response to the investigation.

In advance of the conference, the SEC submitted a brief written outline of the situation and Mr. and Ms. Nase responded. In particular, the Nases expressed concern that the personal computers contained information that may be private, confidential or privileged or as to which the SEC has no entitlement to access. The Nases expressed that Mr. Nase primarily used computers of BIC to conduct the business of that organization and represented that Ms. Nase never used her personal computer for

1 the entity's operations.

2 Given this representation¹, during the telephone conference the SEC modified its request that
3 only Mr. Nase's personal computer be imaged. Moreover, given that there is no request at this time that
4 anyone be permitted to view the image from Mr. Nase's computer, the Court does not find that there
5 are any significant privacy issues at play. Therefore, the Court **ORDERS:**

6 1. The receiver, David Stapelton, or his designee **SHALL** be allowed to image the
7 personal laptop computer belonging to Daniel Nase no later than **May 20, 2016**. The receiver **SHALL**
8 make all efforts to image the computer on site but, if this cannot be accomplished, he will ensure the
9 computer is returned to Mr. Nase within 24 hours.

10 2. The receiver **SHALL** maintain the image in his custody and prevent anyone from
11 viewing until authorized by the Court.

12
13 IT IS SO ORDERED.

14 Dated: May 16, 2016

/s/ Jennifer L. Thurston
15 UNITED STATES MAGISTRATE JUDGE

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28 ¹ The Court urges Ms. Nase's attorney to confirm with her that she has not used her personal laptop for BIC business of any kind. If it turns out that she *has* used it for BIC business, this order will apply equally to her computer as well. On the other hand, if it later turns out that she used her personal computer for BIC business, the Court will entertain a request for sanctions of the most severe kind.