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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CSPC DOPHEN CORPORATION,
Plaintiff,
v.
ZHIXIANG HU,
Defendant.

No. 2:17-cv-1895 MCE DB PS

ORDER

Defendant is proceeding in this action pro se. (ECF No. 68.) Accordingly, this action has been referred to the undersigned pursuant to Local Rule 302(c)(21).

On April 16, 2018, plaintiff filed a motion to compel discovery and noticed the matter for hearing before the undersigned. (ECF No. 52.) That same day, defendant’s former counsel filed a request to withdraw. (ECF No. 51.) Plaintiff filed a non-opposition to the motion to withdrawal. (ECF No. 61.)

However, plaintiff’s non-opposition noted that defense counsel may have been in possession of relevant evidence, specifically a purported backup disk of a laptop computer from which defendant may have attempted to delete information. (Id. at 2.) On May 29, 2018, the assigned District Judge issued an order granting defense counsel’s motion to withdraw. (ECF No. 68.) That order noted, however, that there existed a “relatively strong indication that spoliation has already occurred or at least been attempted in this case[.]” (Id. at 3.)


1 Accordingly, the assigned District Judge ordered defense counsel to lodge a complete
2 copy of the purported backup disc, and any other portable storage device, with the Court so as to
3 eliminate the risk of potential further spoliation.¹ (Id.) Plaintiff was also ordered to file a status
4 report following the undersigned's resolution of plaintiff's motion to compel, and "request access
5 to the lodged evidence, if appropriate." (Id. at 4.) On June 7, 2018, the court received a backup
6 disc or other portable storage device. (ECF No. 71.)

7 On June 19, 2018, the undersigned issued an order granting plaintiff's motion to compel.
8 (ECF No. 77.) On June 25, 2018, plaintiff filed a status report and request to access the lodged
9 evidence. (ECF No. 80.) Plaintiff asserts that the lodged evidence contains responsive discovery
10 subject to the undersigned's June 19, 2018 order. (Id. at 2.) On July 10, 2018, the assigned
11 District Judge referred plaintiff's pending request for access to the undersigned. (ECF No. 82.)
12 Defendant has not filed an opposition to plaintiff's request.

13 Accordingly, upon consideration of the arguments on file and for the reasons set forth
14 above, IT IS HEREBY ORDERED that:

- 15 1. Plaintiff's June 25, 2018 request for access (ECF No. 80) is granted;
- 16 2. Plaintiff shall contact the undersigned's Courtroom Deputy at 916-930-4128 to arrange
17 retrieval of the evidence in the Court's possession;
- 18 3. Prior to review of that evidence plaintiff shall hire a vendor to remove or segregate any
19 attorney-client privileged information found in the evidence; and
- 20 4. The information found in that evidence shall be governed by the stipulated protective
21 order previously entered in this action (ECF No. 44).

22 Dated: August 3, 2018

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24 
25 DEBORAH BARNES
26 UNITED STATES MAGISTRATE JUDGE

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28 ¹ After counsel lodged the copy, counsel was permitted to provide defendant the original
evidence. (ECF No. 68 at 3.)