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 6 Guardian Ad Litem for
 JOSE ROE I, JOSE ROE II, JOSE ROE III, AND JOSE
 ROE IV

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 8 **IN THE UNITED STATES DISTRICT COURT**
 9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

10
 11 JOSE ROE, et al.,

12 Plaintiffs,

13 v.

14 THOMAS F. WHITE, et al.,

15 Defendants.
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Case No. C 03-04035 CRB

**~~PROPOSED~~ ORDER RE
 DEFENDANT'S MOTIONS TO
 VACATE JUDGMENT, FOR
 DISCOVERY AND TO STAY
 PAYMENTS**

1 Defendant's Motion for Order Authorizing Post-Judgment Discovery and Motion to Stay
2 Payments on Judgment Pending Ruling on Motions for Discovery and to Vacate Judgment came
3 before the Court on October 14, 2011. Having reviewed the papers submitted in connection with
4 the motions and considered the arguments of counsel, the Court hereby grants the following
5 limited discovery and refers this discovery matter to Magistrate Judge Nathanael Cousins for the
6 limited purposes specified below.

- 7 1. Defendant, at his expense, may retain a forensic specialist and arrange through the
8 appropriate legal means for that specialist to search the contents of the two
9 computers belonging to Plaintiffs' former counsel, David Replogle, that were
10 seized by the Palm Springs Police Department in conjunction with a special
11 master appointed by the court. Defendant's counsel shall give advance notice to
12 Ms. Nanci Clarence and to Mr. Replogle and his counsel of this process and
13 order.
- 14 2. The search shall be targeted to identify documents that Replogle received directly
15 or indirectly that were (1) prepared by or for Defendant Thomas White,
16 Defendant's counsel and/or investigator(s), (2) belonging to Defendant White,
17 Defendant's counsel and/or investigator(s), and (3) documents and emails
18 reflecting communications by Defendant, Defendant's counsel and/or
19 investigator(s). Defendant's counsel shall include all of his attorneys, whether or
20 not representing him as a party in civil and criminal cases and extradition matters.
- 21 3. Defendant, at his expense, shall arrange for the documents identified as
22 responsive to the search to be designated as CONFIDENTIAL pursuant to the
23 Stipulated Protective Order in this case, and for copies of the documents first to
24 be provided to Magistrate Judge Cousins, Plaintiffs' counsel, and the Guardian
25 Ad Litem.
- 26 4. Plaintiffs' counsel and the Guardian Ad Litem shall preliminarily review the
27 documents and notify Defendant's counsel if they object to the disclosure to
28 Defendant's counsel of any documents and the basis for that objection. Any

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objection(s) shall be communicated to Defendant’s counsel within twenty calendar days or such further time as agreed by the parties or ordered by the Court. If a dispute arises with respect to any such objection, Defendant shall file a motion in this Court to resolve the dispute.

5. After the completion of this preliminary review by Plaintiffs’ counsel and the Guardian Ad Litem, they will provide to Defendant’s counsel for his review a copy of the documents not objected to and those for which the Court has overruled an objection and ordered production.

6. At the request of Defendant, after conclusion of the discovery of Replogle’s computers, the Court will address whether to grant discovery of the paper files related to matters Replogle handled as an attorney against Defendant that are currently in the possession of the California State Bar.

Defendant’s Motion to Stay Payments on Judgment Pending Ruling on Motions for Discovery and to Vacate Judgment is DENIED without prejudice. The Court further VACATES the hearing on Defendant’s Motion to Vacate Orders, Settlement Agreement and Judgment, without prejudice to Defendant’s right to renote the motion after the discovery is completed.

IT IS SO ORDERED.

Dated: November 15, 2011

