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7 **UNITED STATES DISTRICT COURT**  
8 **NORTHERN DISTRICT OF CALIFORNIA**  
9 **SAN FRANCISCO DIVISION**  
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11 JOSE ROE, and others,

12 Plaintiffs,

13 v.

14 THOMAS F. WHITE, and others,

15 Defendants.  
16

Case No. 03-cv-04035 CRB (NC)

**ORDER RE: POST-JUDGMENT  
REVIEW OF REPLOGLE FILES**

Re: Dkt. No. 1086

17 On July 31, 2013, the Court held a hearing regarding the next phase of review of the  
18 Replogle documents that this Court found were responsive to Judge Breyer's post-judgment  
19 discovery order. *See* Dkt. Nos. 1086, 1168. This Order is to notify all affected parties that  
20 the Court intends to produce these documents to the plaintiffs' counsel and the guardian ad  
21 litem for their review, in accordance with Judge Breyer's order. Dkt. No. 1086.

22 The responsive documents must be collected from chambers, scanned into searchable  
23 PDFs, and given identification numbers by Coombs Reporting, Inc., an outside vendor that  
24 has been hired by defendant Thomas White. Dkt. No. 1169. Coombs must assign an  
25 identification number to each page of the responsive documents. Coombs must number the  
26 documents in the order it receives them from the Court.

27 In addition, there are two CDs that contain responsive material. The CD labeled  
28 "HH" by the Court must be reproduced in its entirety, with all files in their native formats,

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REVIEW

1 and assigned one identification number. Only certain files on the CD labeled “BB” by the  
2 Court are responsive. Coombs must copy and assign identification numbers to the files  
3 contained in the folder labeled “Cassman.”

4 Coombs must prepare one set of searchable PDFs and create three copies of the CD  
5 “HH” and submit them, along with all originals, to chambers. No paper set needs to be  
6 produced. Defendant will pay the costs of using Coombs’ service and must notify Coombs  
7 of its obligations by providing a copy of this order.

8 The Court will produce the searchable PDFs and the CD to plaintiffs’ counsel and the  
9 guardian ad litem for their review.


10 The guardian ad litem and plaintiffs’ counsel will have thirty days from the date of  
11 production to review the responsive materials and to create a privilege log documenting any  
12 objections they might have to producing the responsive materials to defendant. In addition,  
13 the guardian ad litem and plaintiffs’ counsel must give a copy of this order to any other  
14 party who may require notice that these materials will be produced to defendant, including  
15 David Replogle, Ted Cassman, Nanci Clarence, Kate Dyer, and Stuart Hanlon. At the  
16 conclusion of their review, the guardian ad litem and plaintiffs’ counsel will produce all  
17 non-privileged documents to defendant’s counsel and file a privilege log. The log must  
18 specify the documents alleged to be privileged, the bases for objection, and enough  
19 information for a third party to understand the reasons supporting the objection. The Court  
20 will hold a hearing on any objections defendant may have to the privilege log.

21 All of the responsive materials produced are subject to the existing protective order.  
22 Dkt. No. 1044.

23 Any party may object to this order within fourteen days. Fed. R. Civ. P. 72(a).

24 IT IS SO ORDERED.

25 Date: July 31, 2013

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Nathanael M. Cousins  
United States Magistrate Judge