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8 UNITED STATE COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10 Jenkins, James, et al.,
 11 Plaintiffs,

12 vs.

13 City of Richmond,
 14 Defendants.

ORDER RE: KLINE COMPUTER SEARCH

**CASE No. C08-3401 MHP
 JAMS REFERENCE #1100058859**

15 SUPERIOR COURT OF STATE OF CALIFORNIA
 16 COUNTY OF CONTRA COSTA

17 Booker, Michael et al.,
 18 Plaintiffs,

19 vs.

20 City of Richmond,
 21 Defendants.

RECOMMENDATION RE: KLINE COMPUTER SEARCH

**CASE No. C07-00408
 JAMS REFERENCE #1100059411**

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 24 At the March 15, 2010 deposition of Alex Kline, Plaintiffs requested that the Discovery
 25 Referee issue a Recommendation/Order requiring Mr. Kline to produce his personal desktop
 26 computer, his laptop, and his email password so that material relevant to the issues in this case
 27 could be retrieved.
 28

1 Since that time the Discovery Referee has been informed that Mr. Kline has brought the
2 two computers to Calvo and Clark, the law firm representing him in this matter, and the firm has
3 made mirrored images of the material on these computers (a laptop and a desktop computer) and
4 backup hard drives. Mr. Kline has also stated that all emails have been backed up utilizing the
5 Apple Time Capsule program.

6 Therefore, the following is ORDERED:

7 1. The firm is to search the mirrored images and the Apple Time Capsule program
8 utilizing the following search terms: 1) All emails to/from (or containing the names of)
9 Meyers Nave employees Art Hartinger, Camille Hamilton-Pating, Geoff Spellberg, Nancy Park,
10 Angela Lus, and Kathy Thomas; 2) All emails to/from (or containing the names of) City of
11 Richmond employees Leslie Knight, Bill Lindsay, Rob Larson, Lisa Stephenson, Randy Riddle
12 and Lisa Carter; 3) All emails to/from (or containing the names of) Chief Magnus, DeVone
13 Boggan, Cleveland Brown, Tim Gard, Lori Ritter, Edwin Medina, Michael Booker, Johan
14 Simon, Eugene McBride, Arnold Threats, Jim Jenkins, and Shawn Pickett; 4) all emails from
15 July 2008 to the present to/from (or containing the names of) Investigators Raymond Marshall,
16 Patti Elliott, Timothy Armistead, Margo Evashevski, and Jeff Sloan.

17 2. In addition, Mr. Kline shall produce the contents of the entire file/folder that Kline
18 kept on his computer related to the two investigations (Brown retaliation and Boggan "civil
19 war"). Mr. Kline specifically testified that he believed that he kept at least one folder/file in his
20 "Closed" or "Archived" case file for the work that he performed for the City and/or Meyers
21 Nave. He stated that he believed these files contained the names "Richmond," "Boggan,"
22 and/or "Brown." The search should include locating and producing the entire contents of these
23 files.

24 3. Within seven (7) days from the date of this Order, Calvo and Clark will provide all
25 the retrieved material directly to the Discovery Referee. She will review and withhold any that
26 are privileged. The remainder will be initially returned to Mr. Kline's counsel for review and
27 any objections to the material. After the Discovery Referee has addressed any objections, the
28 material will then produced to counsel for the Plaintiffs and Defendants.

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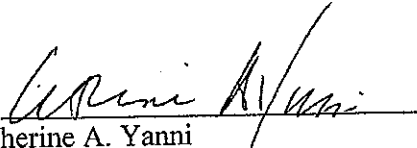
4. Furthermore, the Discovery Referee reserves the right, after the above material has been produced, to enter a further order requiring Mr. Kline to search his all responsive emails and attachments, defined in paragraph 1, stored on a remote email servers (such as Eudora, Speakeasy and/ mail2web.com), which Mr. Kline referred to during his deposition.

5. The court has ordered that any further deposition of Mr. Kline shall not last longer than two hours. Plaintiffs and defendants are to review the produced materials and, if necessary, request that the Discovery Referee schedule a further deposition.

6. Finally, the City of Richmond is to pay all attorneys fees and costs incurred by Calvo and Clark associated with the above search and production of material.

IT IS SO ORDERED/RECOMMENDED.

Dated: April 19, 2010

By: 
Catherine A. Yanni
Special Master/Discovery Referee


IT IS SO ORDERED.

Dated April __, 2010

By: _____
Hon. Barry P. Goode
Judge Contra Costa Superior Court

IT IS SO ORDERED.

Dated: May 11, 2010

By: 
MARTIN HALL PATEL
UNITED STATES DISTRICT JUDGE

PROOF OF SERVICE BY U.S. MAIL

Re: Jenkins, James, et al. vs. City of Richmond
Reference No. 1100058859

Re: Booker, Michael, et al. vs. City of Richmond
Reference No. 1100058859

I, SARAH NEVINS, not a party to the within action, hereby declare that on April 19, 2010 I served the attached ORDER/RECOMMENDATION RE: KLINE COMPUTER SEARCH on the parties in the within action by depositing true copies thereof enclosed in sealed envelopes with postage thereon fully prepaid, in the United States Mail, San Francisco, CALIFORNIA, addressed as follows:

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I declare under penalty of perjury the foregoing to be true and correct. Executed at San Francisco, CALIFORNIA, on April 19, 2010.



SARAH NEVINS