

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

KYUNG CHO, ET AL., Individually and On
Behalf of All Others Similarly Situated,

Plaintiffs,

v.

UCBH HOLDINGS, INC., ET AL.,

Defendants.

No. C 09-4208 JSW

**ORDER REGARDING
DISCOVERY AND CONTINUING
CASE MANAGEMENT
CONFERENCE**

Defendants indicate that they will move to stay discovery in this action until mid-2013 due to the related criminal matters. Defendants Ebrahim Shabudin and Thomas Yu contend that they cannot adequately defend themselves in this case and also maintain their Fifth Amendment right against self incrimination in the criminal matters. Plaintiffs request that Defendants immediately produce the documents already produced to the government agencies. They argue that documents already produced to government agencies cannot further incriminate Defendants. If Defendants produce to Plaintiffs the documents already provided to the government agencies, Plaintiffs are amenable to a stay of all further discovery for three months after such production. Plaintiffs' argument appears persuasive. Therefore, the Court is inclined to order the production of the documents already produced to governmental agencies. However, before issuing such an order, the Court will provide Defendants with an opportunity to demonstrate how such production would infringe upon their Fifth Amendment right against self-incrimination. Therefore, Defendants are **HEREBY ORDERED** to Show Cause ("OSC")

1 why the documents already produced to government agencies should not be immediately
2 produced to Plaintiffs. Defendants shall respond to this OSC in writing by no later than
3 November 8, 2012. If Defendants agree to produce these documents, the Court will stay all
4 further discovery for a period of at least three months following the production. Before the end
5 of the three month period, the parties shall meet and confer to determine whether the stay
6 should be lifted or extended and shall file a stipulation or a status report indicating their
7 respective positions if they cannot agree.

8 The Court HEREBY SETS April 30, 2013 as the deadline to seek leave to join parties,
9 sets November 19, 2012 as the deadline for initial disclosures, and VACATES the case
10 management conference. The Court will reset the case management conference at a later date.

11 The Court FURTHER ORDERS the parties to meet and confer regarding referral to a
12 specific or randomly assigned magistrate judge for a settlement conference. By no later than
13 November 14, 2012, the parties shall file a stipulation, or a status report indicating their
14 respective positions if they cannot agree, regarding such referral.

15 **IT IS SO ORDERED.**

16
17 Dated: November 1, 2012



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE