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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 In re Bofl HOLDING, INC. SECURITIES
12 LITIGATION

Case No.: 15-cv-2324-GPC-KSC

13 **ORDER REGARDING PLAINTIFFS’**
14 **FIRST SET OF REQUESTS FOR**
15 **PRODUCTION**
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17 The parties have raised several disputes concerning plaintiffs’ First Set of Requests
18 for Production (“RFPs”). Specifically, plaintiffs request documents responsive to RFPs
19 Nos. 8, 27, 28, 29, 30, 31, 40 and 41. The parties conferred with the Court’s staff regarding
20 these disputes on April 1, 2021, and the subject discovery was lodged with chambers. The
21 Court heard argument from the parties on the disputed discovery on April 13, 2021. Having
22 reviewed the discovery at issue and considered the arguments of counsel, and for the
23 reasons stated during the April 13, 2021 hearing, the Court **HEREBY ORDERS** as
24 follows:

25 RFP No. 8 seeks the production of John Ball’s personnel file. The defense
26 represented it is willing to produce Mr. Ball’s entire personnel file. Plaintiff also requested
27 documents relating to the personnel file. As defendants stated that documents related to
28 the personnel file will be produced in response to an unrelated document request, it appears

1 that no further response to RFP No. 8 is necessary. Accordingly, plaintiffs' request for
2 further responses is **DENIED AS MOOT**.

3 RFP No. 27 seeks documents concerning BofI's whistleblower program. Plaintiffs'
4 request for further responses is **GRANTED IN PART AND DENIED IN PART**.
5 Defendants shall produce any complaints submitted via BofI's whistleblower program
6 which allege similar acts or wrongdoing as reported by Mr. Erhardt, as well as the
7 Company's response to those complaints. Other responsive documents need not be
8 produced.

9 RFP No. 28 seeks documents related to the criminal record or background of the
10 individual referred to in the Third Amended Complaint (Doc. No. 136) as "SVP 1."
11 Plaintiffs' request for responsive documents is **GRANTED**.

12 RFP No. 29 seeks documents related to the hiring, discipline, and termination of
13 BofI employees. Plaintiffs' request for responsive documents is **DENIED**.

14 RFP Nos. 30 and 31 seek information regarding related-party transactions and
15 accounts for which the named defendants are owners, trustees or beneficiaries. Plaintiffs'
16 request is **GRANTED**. The parties are directed to meet and confer regarding the scope of
17 the production, including whether some of the requested information can be produced in
18 summary form. If any responsive information is considered confidential, sensitive, or
19 private, it may be produced pursuant to the parties' stipulated protective order and
20 designated accordingly. *See* Doc. Nos. 172, 173.

21 RFP Nos. 40 and 41 seek information concerning BofI officers' and directors'
22 compensation and transactions in BofI securities. Plaintiffs' request for documents
23 responsive to these RFPs is **DENIED**.

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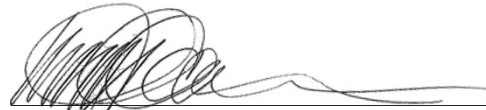
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1 Defendants shall produce responsive documents as detailed herein *within 10*
2 *business days* of the date of this Order. If defendants require additional time to collect,
3 review, and produce responsive documents, the parties shall meet and confer in good faith
4 regarding a schedule for the production of any remaining documents. If the parties cannot
5 so agree, they shall contact the Court for further guidance, in accordance with the
6 undersigned's Chambers' Rules.

7 **IT IS SO ORDERED.**

8 Dated: April 13, 2021

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10 Hon. Karen S. Crawford
11 United States Magistrate Judge
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