

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

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

In re B of I HOLDING, INC.
SECURITIES LITIGATION

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

**ORDER REQUIRING SUBMISSION
OF DOCUMENTS FOR IN CAMERA
REVIEW**

The parties have recently filed two joint discovery motions related to defendants’ assertion of the bank examination privilege on behalf of the Office of the Comptroller of the Currency (“OCC”). *See* Doc. Nos. 300, 301. Plaintiffs dispute the assertion of privilege, and alternatively assert that there is good cause to waive the privilege. *See generally id.* The Court finds that an *in camera* review of a sampling of the contested documents will assist the Court in resolving the parties’ dispute. Accordingly, it is hereby **ORDERED** that:

1. **No later than 5:00 p.m. on December 28, 2021**, Defendants shall lodge with the Court by email (efile_Crawford@casd.uscourts.gov) the 40 exemplar documents the parties provided to OCC for assessment of the bank examination privilege (*see* Doc. No. 300 at 21). Each document shall bear a cover sheet indicating whether the document was withheld from production in its entirety or produced with redactions. If redacted, defendants’ redactions shall be

1 indicated by highlighting on the document. The documents shall bear the same
2 Bates or control numbers as provided to OCC.

3 2. Defendants’ counsel shall also provide the Court with courtesy copies of all
4 exemplars provided to the OCC and lodged with the Court pursuant to
5 paragraph 1 above, following the instructions previously issued regarding
6 courtesy copies. Counsel shall ensure that the courtesy copies are delivered to
7 the Court by December 30, 2021.

8 3. Also by 5:00 p.m. on December 28, 2021, defendants shall lodge with the Court
9 a document setting forth: (1) the total number of documents over which
10 defendants have asserted the bank examination privilege; (2) the number of
11 documents withheld in their entirety on the basis of the bank examination
12 privilege, and, of that number, how many have been produced to plaintiff “in
13 other non-privileged contexts” (*see* Doc. No. 300 at 13); and (3) the number of
14 documents redacted on the basis of the bank examination privilege, and, of that
15 number, how many have been produced to plaintiff “in other non-privileged
16 contexts” (*see id.*).

17 Any questions regarding this Order may be directed to the Court’s staff at (619) 446-3964.

18 **IT IS SO ORDERED.**

19 Dated: December 21, 2021



20
21 Hon. Karen S. Crawford
22 United States Magistrate Judge
23
24
25
26
27
28