

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF CALIFORNIA, et al.,

Defendants.

No. 2:18-cv-490-JAM-KJN

ORDER

On May 18, 2018, the court, at the parties' request, conducted a hearing regarding expedited discovery in connection with defendant State of California's ("California") opposition to plaintiff United States of America's ("United States") pending motion for a preliminary injunction. At the hearing, attorneys Erez Reuveni, Lauren Bingham, and David Shelledy appeared on behalf of the United States, and attorneys Lee Sherman and Anthony Hakl appeared on behalf of California.

After carefully considering the parties' joint letter brief (ECF No. 95) and the parties' oral argument at the hearing, IT IS HEREBY ORDERED that:

1. The United States may depose Joe Dominic regarding paragraphs 6-13 of his declaration, including: (a) CLETS and all of its databases in broad, general terms, as discussed in greater detail on the record at the hearing; and (b) more specific

1 information concerning the databases for Supervised Release File, California Sex
2 Arson Registry, and the Automated Criminal History System. The United States may
3 also depose Mr. Dominic regarding the reporting requirements for local law
4 enforcement authorities established in a memorandum signed by Mr. Dominic as
5 discussed in greater detail on the record at the hearing, and whether or not any of the
6 information responsive to such reporting requirements is already in California's
7 possession.

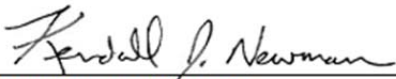
- 8 2. The United States may depose Arif Alikhan regarding the contents of his declaration.
- 9 3. The United States may depose Tom Wong regarding paragraphs 8-41 of his
10 declaration.
- 11 4. Each deposition shall be limited to four (4) hours of questioning by the United States,
12 although the court expects the parties to make reasonable and appropriate
13 accommodations, if necessary. Additionally, California may, but need not, also elect
14 to question the deponents at their depositions, with logistical notice provided to the
15 United States in advance of the depositions.
- 16 5. The deponents shall produce before or at the depositions all documents and data
17 discussed or relied upon in their declarations, except that for any surveys conducted
18 the deponents need not provide the identities of any survey respondents.
- 19 6. All depositions shall take place no later than June 1, 2018, absent an agreement by the
20 parties. The parties shall advise the undersigned's courtroom deputy clerk once
21 dates/times for depositions have been determined.
- 22 7. The parties shall further meet and confer concerning the United States' interrogatories
23 regarding the "available to the public" provision of California Government Code
24 Section 7284.6(a)(1)(C) and Information Bulletin 2018-DLE-01, with California to
25 notify the United States by May 22, 2018, at or before 2:00 p.m. Pacific Time,
26 regarding its ability to respond to some or all of the interrogatories. If, after
27 exhausting good-faith meet-and-confer efforts, the parties are unable to reach an
28 agreement, the parties may request a further telephonic conference with the court.

1 8. If the parties anticipate the need of a protective order to facilitate the production of
2 documents and deposition testimony, they shall submit an appropriate proposed
3 stipulated protective order for the court's consideration and approval as soon as
4 possible.

5 9. Any request for expedited discovery beyond the parameters of this order is DENIED.

6 IT IS SO ORDERED.

7 Dated: May 18, 2018

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10 KENDALL J. NEWMAN
11 UNITED STATES MAGISTRATE JUDGE
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