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CORY SPENCER, DIANA MILENA REED,
13 and COASTAL PROTECTION RANGERS, INC.

14
15 UNITED STATES DISTRICT COURT
16 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

17 CORY SPENCER, et al.,) Case No.: 2:16-cv-02129-SJO (RAOx)
18)
Plaintiff,) STIPULATED ORDER TO RELEASE CELL
19) PHONE
20) Hon. Rozella A. Oliver
vs.)
21)
LUNADA BAY BOYS, et al.) Complaint Filed: March 29, 2016
22) Trial Date: November 7, 2017
Defendants)
23)
24)

1 1. RECITALS.

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3 In February 2017, Plaintiff Cory Spencer served a
4 First Request for Production of Documents on Defendant
5 Michael Papayans. Mr. Papayans responded on March 20,
6 2017. On April 7, 2017, Plaintiffs requested to meet
7 with Mr. Papayan's attorney, Peter Haven, in a good
8 faith effort to eliminate or narrow the issues raised
9 in the responses. (See, L.R. 37-1 and Fed. R. Civ. P.
10 37(a)(2)(A), (B)).
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14 On April 17, 2017, Mr. Otten met with Mr. Haven at
15 Otten Law, PC. During the meet and confer, Mr. Haven
16 informed Mr. Otten that his client could not provide
17 certain information because his client's cell phone had
18 been seized by the Los Angeles Police Department
19 pursuant to a search warrant in an unrelated matter.
20
21 Mr. Haven agreed to produce paper copies of available
22 relevant cell phone bills. On May 15, 2017, Mr. Haven
23 produced redacted copies of paper invoices marked
24 "HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY" for the
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1 billing period from approximately October 2015 until
2 May 2016. It is the Plaintiffs' position that they are
3 entitled to electronic copies of information on the
4 phone, and not just paper bills.
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7 On April 27, 2017, Mr. Otten met with Michele
8 Hanisee, the attorney handling the Papayans case for
9 the Los Angeles District Attorney's Office. Mr. Otten
10 explained to Ms. Hanisee that the Plaintiffs needed the
11 contents of Mr. Papayans' cell phone for a civil case
12 and inquired how that could be arranged. Ms. Hanisee
13 said that the phone was in the possession of the Los
14 Angeles Police Department but can be released to a
15 vendor for examination pursuant to a court order. The
16 cell phone is part of the investigation file DR #15-
17 1100891. The phone is evidence item 16.
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22 Mr. Otten subsequently informed Mr. Haven what he
23 learned from his meeting with Ms. Hanisee.
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25 2. STIPULATION.

26 IT IS HEREBY STIPULATED THAT that:
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1 1. Mr. Papayans' cell phone can be released
2 by the Los Angeles Police Department to Meridian
3 Discovery, care of Arman Gungor (hereafter "Meridian").¹

4
5 2. Within 2 business days of execution of
6 this Stipulation, Mr. Papayans will retain Meridian
7 located at 611 Wilshire Blvd, Ste 315, Los Angeles, CA
8 90017 to conduct a forensic investigation of the data
9 on the phone. Mr. Papayans agrees to cooperate as
10 necessary with Meridian with respect to passwords.
11 Defendant Papayans will pay the cost of the forensic
12 examination and subsequent production.
13

14
15 3. Meridian is to forensically extract all
16 available data from Mr. Papayans' phone including,
17 without limitation:
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- 19 - Call History (including voice mail)
- 20 - Text Message History
- 21 - Email history
- 22 - Photos & Videos
- 23 - Contacts & Calendar

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28 ¹www.meridiandiscovery.com

documents will be provided to Mr. Haven for review.

6. Upon receipt of the information from Meridian, Mr. Haven and his client shall have 5 days to review the information, assert any appropriate objections and/or any appropriate "CONFIDENTIAL" designation under the Protective Order, and produce non-objectionable data or documents that are responsive to the Request for Production of Documents.

7. Upon completion, Meridian shall return the phone to the Los Angeles Police Department.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED: July 3, 2017

OTTEN LAW, PC

By: /s/ Victor Otten
VICTOR OTTEN
KAVITA TEKCHANDANI
Attorneys for Plaintiffs
CORY SPENCER, DIAN MILENA
REED, and COASTAL
PROTECTION RANGERS, INC.

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DATED: July 3, 2017

HAVEN LAW



By: /s/ Peter T. Haven
PETER T. HAVEN
Attorneys for Defendant
MICHAEL RAY PAPAYANS

1 FOR GOOD CAUSE SHOWN, IT IS ORDERED THAT:

2 The Los Angeles Police Department Release the cell
3 phone of Michael Papayans, which is part of the
4 investigation file DR #15-1100891, evidence item 16, to
5 Meridian Discovery, care of Arman Gungor (hereafter
6 "Meridian"), located at 611 Wilshire Blvd, Ste 315, Los
7 Angeles, CA 90017.

8 Mr. Papayans shall cooperate as necessary with
9 Meridian with respect to passwords, and shall pay
10 Meridian's costs as well as the costs of production.

11 Meridian is to forensically extract all available
12 data from Mr. Papayans' phone including, without
13 limitation:

- 14 - Call History (including voice mail)
- 15 - Text Message History
- 16 - Email history
- 17 - Photos & Videos
- 18 - Contacts & Calendar
- 19 - Maps

- 1 - Notes
- 2 - Web history
- 3
- 4 - Geolocation (GPS/Cell Tower) data.

5 The information extracted should include date and
6 time stamps, to the extent available, as well as any
7 other forensic information that can be attributed to
8 each item.
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11 Text Message history should include both SMS and
12 MMS text as well as any other messaging applications
13 found on the phone. Data should include active content
14 as well as deleted but recoverable content. In
15 addition to call activity, server and other connection
16 logs including backup logs should be extracted to the
17 extent available.
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21 Once preservation is complete, using parameters and
22 instructions agreed upon by the parties and provided to
23 Meridian by Papayans' counsel, Peter Haven, Meridian
24 will perform search and filtering to locate potentially
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1 responsive documents in the extracted data. These
2 documents will be provided to Mr. Haven for review.
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4 Upon receipt of the information from Meridian, Mr.
5 Haven and his client shall have 5 days to review the
6 information, assert any appropriate objections and/or
7 any appropriate "CONFIDENTIAL" designation under the
8 Protective Order, and produce non-objectionable data or
9 documents that are responsive to the Request for
10 Production of Documents.
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14 Upon completion, Meridian shall return the phone to
15 the Los Angeles Police Department.
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17 Date:
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19 _____
20 HON. ROZELLA A. OLIVER
21 United States Magistrate Judge
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