

STATE OF INDIANA)
) SS:
ST. JOSEPH COUNTY)

IN THE ST. JOSEPH CIRCUIT COURT
CAUSE NO.: 71C01-2203-CT-000092

VERNADO MALONE, SR. and)
JUSTICE FOR MICHIANA,)
)
Plaintiffs,)
)
-v-)
)
CLIFTON FRENCH,)
)
Defendant.)

ORDER

A hearing was held on May 11, 2022, with Plaintiff, Vernado Malone, appearing in person via Zoom, Plaintiff Justice for Michiana appearing by Vernado Malone via Zoom, and Defendant, Clifton French, appearing by counsel, Michael Misch, via Zoom.

Plaintiffs agreed to dismiss all claims, without prejudice, contained in **Cause No: 71C01-2203-CT-000092, and case is ORDERED CLOSED.**

Plaintiff, Vernado Malone, requested that this Court reset the hearing on the protective order matter, Cause No: 71C01-2203-PO-000284. **The Court hereby resets the hearing on Cause No: 71C01-2203-PO-000284 for June 15, 2022 to commence at 9:00 a.m.**

Mr. Malone is hereby ordered, and has agreed in open court, to turn over his electronic devices, including two cellular telephones and an Apple computer, to the contractor hired by Anderson Agostino & Keller P.C. on behalf of Defendant. Plaintiff is ordered to abstain from deleting or modifying any information or data from the devices prior to turning the devices over to the contractor. **Plaintiff shall meet the contractor at 401 W Sample St, South Bend, IN 46601 to effectuate the transfer prior to 5:00 p.m. on May 11, 2022.** The contractor is instructed to work quickly to extract the necessary data from Plaintiff's devices and return them promptly to the Plaintiff. Plaintiff shall

provide the contractor all necessary passwords to access the data relevant to this matter including, but not limited to, usernames and passwords for the devices and applications and cloud storage utilized on the devices. After the extraction is completed, the contractor is instructed to only provide Defendant's counsel, Michael Misch, with data from March 22, 2022 to the present.

The Court advises Plaintiff that if any deletions or modifications of data on his devices takes place prior to turning the devices over to the contractor the Court shall dismiss Cause No: 71C01-2203-CT-000092 and Cause No: 71C01-2203-PO-000284 with prejudice.

The Court likewise orders Defendant to turn over his cellular telephone to a properly credentialed extraction expert once one has been identified and agreed upon by the parties. The information shall be subject to the same protective order as the Defendant's device information as described below. The information provided to Plaintiff or Plaintiff's attorney shall be limited by the contractor to only incorporate information related to this matter, specifically excluding any information related to any FBI, State Police or other criminal investigations and any information related to his divorce. Additionally, the information shall be limited to the time frame from March 22, 2022 to the present.

The information extracted from the devices shall be subject to a protective order. The information obtained by the contractor(s) shall be utilized by only Defendant's attorney for litigation purposes and shall not be disclosed to the public. Should the information extracted need to be utilized for litigation purposes, Defendant's attorney shall file the information under seal and this Court will determine at that time whether sealing of the information permanently is appropriate based on Indiana Trial Rule 26(c) thereafter.

SO ORDERED AND DATED: _____

Judge, St. Joseph Superior Court