

United States District Court
Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DEALDASH OYJ, et al.,
Plaintiffs,
v.
CONTEXTLOGIC INC.,
Defendant.

Case No. [18-cv-02353-MMC](#)

**ORDER DENYING MOTIONS TO
EXCLUDE EXPERT OPINIONS;
GRANTING IN PART DEFENDANT’S
MOTION FOR SUMMARY
JUDGMENT; DENYING PLAINTIFFS’
MOTION FOR SUMMARY JUDGMENT**

Re: Dkt. Nos. 140, 142, 145, 147, 149,
154

Before the Court are the following six motions, each filed May 10, 2019: (1) defendant’s “Motion to Exclude Opinions and Testimony of Michael Wagner”; (2) defendant’s “Motion Pursuant to Fed. R. Evid. 702 and *Daubert* to Exclude Evidence or Testimony from Dr. Jeffrey Stec”; (3) plaintiffs’ “Motion to Strike and Exclude Certain Opinions of Defendant’s Expert John Hansen”; (4) plaintiffs’ “Motion to Strike and Exclude Opinions of Defendant’s Expert Philip Johnson”; (5) defendant’s “Motion for Summary Judgment”; and (6) plaintiffs’ “Motion for Summary Judgment.” Each such motion has been fully briefed. The matters came on regularly for hearing on June 14, 2019. Matthew S. Warren and Amy M. Bailey of Warren Lex LLP appeared on behalf of plaintiffs. John W. Crittenden, Bobby Ghajar, and Angela L. Dunning of Cooley LLP appeared on behalf of defendant.

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Having considered the parties' respective submissions and the arguments of counsel at the hearing, the Court, for the reasons stated on the record at the hearing, hereby rules as follows.

1. Defendant's Motion to Exclude Opinions and Testimony of Michael Wagner is DENIED.
2. Defendant's Motion to Exclude Evidence or Testimony from Dr. Jeffrey Stec is DENIED.
3. Plaintiffs' Motion to Strike and Exclude Certain Opinions of John Hansen is DENIED.¹
4. Plaintiffs' Motion to Strike and Exclude Opinions of Philip Johnson is DENIED, conditioned on defendant's providing to plaintiff, no later than July 8, 2019, the following discovery: (a) one or more declarations setting forth (i) the videos given to Johnson by defendant's counsel or any other individual acting on behalf of defendant, as well as (ii) any videos to which he otherwise had access and viewed; and (b) screenshots of the survey he conducted.
5. Defendant's Motion for Summary Judgment is GRANTED as to all Counts other than Count IV, as to which Count the Motion is DENIED to the extent plaintiffs seek an award of damages and GRANTED to the extent plaintiffs seek an injunction.
6. Plaintiffs' Motion for Summary Judgment is DENIED.

IT IS SO ORDERED.

Dated: June 18, 2019


MAXINE M. CHESNEY
United States District Judge

¹ The Court notes that, in connection with said ruling, defendant has been directed to make available for a Rule 30(b)(6) deposition, not to exceed two hours in length, the person most knowledgeable on the subject of Add-to-Cart data for the months prior to October 2017.