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23 **UNITED STATES DISTRICT COURT**

24 **NORTHERN DISTRICT OF CALIFORNIA**

25 In Re Sony PS3 "Other OS" Litigation

26 Case No. CV-10-1811-RS

27 **[PROPOSED] ORDER GRANTING
 28 PLAINTIFFS' MOTION FOR
 PROTECTIVE ORDER**

Date: February 9, 2011
 Time: 10:30 a.m.
 Judge: Magistrate Judge Edward M. Chen
 Courtroom: C, 15th Floor

29 This matter comes before the Court on Plaintiffs' Motion for Protective Order brought
 30 pursuant to Federal Rules of Civil Procedure 37 and Local Rule 37. Having carefully considered
 31 the papers, evidence, and oral arguments presented by the parties, Plaintiffs' Motion is
 32 GRANTED and the Court orders as follows:

33 1. Plaintiffs' Motion regarding Defendant's Request for Production ("RFP") No. 3 is
 34 GRANTED. The parties shall agree upon a neutral computer expert ("Expert") to examine the
 35 PS3s at issue, at a place and time that is convenient for each Plaintiff. With respect to each PS3,
 36 Expert shall prepare a report that identifies whether Linux or another operating system was

1 installed on each PS3 using the “Other OS” function, whether certain types of files exist on each
2 hard drive (i.e., music, movie, word processing, email, video game or other Linux software-
3 related files), and the dates of installation. Defendant is ordered to bear all costs of the Expert.
4 Under no circumstances shall Defendant, its attorneys or any party affiliated with Defendant, be
5 given access to the hard drives or the contents of the PS3s. Expert shall execute and abide by the
6 terms of the protective order entered in this case.

7 2. Plaintiffs’ Motion regarding Defendant’s RFP No. 6-8 is GRANTED.

8 3. Plaintiffs’ Motion regarding Defendant’s RFP No. 14 is GRANTED.

9 4. Plaintiffs’ Motion regarding Defendant’s RFP No. 27-28 is GRANTED.

10 5. Defendant has not met its burden in seeking discovery regarding absent class
11 members. Defendant shall not take discovery of absent class members without prior Court
12 approval.

13 6. Defendant shall not take the named Plaintiffs’ depositions until after the parties’
14 discovery disputes regarding Defendant’s document requests have been resolved. As they have
15 now been resolved by this Order, Plaintiffs’ depositions may be taken within 30 days of the date
16 of this Order.

17
18 IT IS SO ORDERED.

19 Dated: _____

HONORABLE EDWARD M. CHEN
United States Magistrate Judge