

EXHIBIT U

1 James Andrew Quadra (SBN 131084)
jquadra@calvoclarck.com
2 **CALVO & CLARK, LLP**
One Lombard Street, Second Floor
3 San Francisco, CA 94111
Telephone: (415) 374-8370
4 Facsimile: (415) 374-8373

5 Rosemary M. Rivas (SBN 209147)
rrivas@finkelsteinthompson.com
6 **FINKELSTEIN THOMPSON LLP**
100 Bush Street, Suite 1450
7 San Francisco, CA 94104
Telephone: (415) 398-8700
8 Facsimile: (415) 398-8704

James J. Pizzirusso
jpizzirusso@hausfeldllp.com
HAUSFELD LLP
1700 K Street NW, Suite 650
Washington, DC 20006
Telephone: (202) 540-7200
Facsimile: (202) 540-7201

9 Attorneys for Proposed Interim Co-Lead Counsel
and Counsel for Plaintiffs

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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

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IN RE SONY PS3 "OTHER OS"
15 LITIGATION

) Case No. CV-10-1811-RS

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) **RESPONSES AND OBJECTIONS**
) **OF PLAINTIFF ANTHONY VENTURA TO**
) **SCEA'S REQUEST FOR PRODUCTION**
) **OF DOCUMENTS AND THINGS**

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) Judge: Hon. Richard Seeborg
) Courtroom: 3

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PROPOUNDING PARTY: DEFENDANT SONY COMPUTER ENTERTAINMENT
23 AMERICA LLC

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RESPONDING PARTY: PLAINTIFF ANTHONY VENTURA

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SET NO: ONE

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Pursuant to Federal Rule of Civil Procedure 34, Plaintiff Anthony Ventura ("Plaintiff")

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hereby responds to Defendant Sony Computer Entertainment America LLC's ("SCEA" or

1 “Defendant”) First Request for Production of Documents and Things (“Requests”) dated
2 September 24, 2010.

3 I. GENERAL OBJECTIONS

4 A. Plaintiff objects to these Requests insofar as they purport to impose any obligations
5 on them that are not required by law, or are inconsistent with Federal Rule of Civil Procedure 34,
6 and Plaintiff objects to the Instructions and Definitions insofar as they conflict with or seek to
7 impose obligations on him beyond those of the Federal Rules of Civil Procedure.
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9 B. Plaintiff objects to these Requests insofar as they fail to state with sufficient
10 particularity the materials and categories of materials to be produced.

11 C. Plaintiff objects to the Requests to the extent they require the production of
12 documents or things that are not in Plaintiff’s possession, custody, or control.
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14 D. Plaintiff objects to these Requests insofar as they seek or require the disclosure of
15 documents that are protected from discovery by the attorney-client privilege, the work product
16 doctrine, or any other applicable privilege or immunity. Plaintiff further objects to these Requests
17 to the extent they seek materials reflecting legal advice or reflecting requests for legal advice. The
18 inadvertent production of any document protected by an applicable privilege or doctrine, or to
19 whose production is otherwise objected, is not intended to constitute, and shall not constitute, a
20 waiver in whole or in part of such privilege, doctrine, or objection.
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22 E. Plaintiff objects to these Requests insofar as they seek information that is protected
23 by Plaintiff’s right to privacy, financial or otherwise, including, but not limited to, personal
24 financial documentation and other similar information.

25 F. Plaintiff objects to these Requests insofar as they are overly broad and unduly
26 burdensome.

27 G. Plaintiff objects to these Requests insofar as they are vague or ambiguous.
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1 H. Plaintiff objects to these Requests insofar as the requested documents are neither
2 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

3 I. By responding to these Requests, Plaintiff intends to preserve, and not waive, the
4 following:

5 1. all objections to the competency, relevancy, materiality, and admissibility
6 of any of the Requests, the Responses and their subject matter;

7 2. all objections to the vagueness, ambiguity or other infirmity in the form of
8 any of the Requests, and any objections based on the undue burden imposed by them;

9 3. all rights to object on any ground to the use of any of the Responses, or their
10 subject matter, in any subsequent proceedings, including the trial of this or any other action;

11 4. all rights to object on any ground to any other discovery requests involving
12 or related to the subject matter of the Requests;

13 5. the right to supplement Responses to the Requests prior to trial; and

14 6. any and all privileges and rights under the applicable Federal Rules of Civil
15 Procedure, the Local Rules of the Court or other statutes or common law.

16 J. Insofar as Plaintiff provides documents in response to these Requests, such
17 production shall not constitute a waiver of any objection to the relevancy of such documents, all
18 such objections being expressly reserved. Plaintiff also expressly reserves the right to object to
19 further discovery, to the subject matter of these Requests, and to the introduction of any Response
20 to these Requests or any portion thereof, or any document produced herein, into evidence in this or
21 any other action.

22 K. A response to any Request stating that Plaintiff will produce such documents does
23 not mean such documents do, in fact, exist, or are in the possession, custody or control of Plaintiff.

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1 L. Plaintiff reserves the right to supplement, add to, amend, or modify these
2 responses. In responding to these Requests, Plaintiff reserves the right to specify documents
3 generally, without having to characterize the contents thereof.

4 M. Plaintiff objects to the definition of "Personal Computer" as overbroad and in that it
5 seeks information that is not relevant to a claim or defense of any party.

6 N. Plaintiff objects to the definition of "Communication" and "Communications" as
7 overly broad because it includes Plaintiff's counsel, and would require production of documents
8 protected by the attorney-client privilege and work product doctrine, and would require production
9 of documents from Plaintiff's counsel, who are non-parties to this litigation. Unless otherwise
10 noted, such documents will not be produced.

11 O. Plaintiff objects to the definition of "You", "Your", and "Yourself" as overly broad
12 because it includes Plaintiff's counsel, and would require production of documents protected by
13 the attorney-client privilege and work product doctrine, and would require production of
14 documents from Plaintiff's counsel, who are non-parties to this litigation. Unless otherwise noted,
15 such documents will not be produced.

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18 **II. OBJECTIONS TO SPECIFIC REQUESTS**

19 **REQUEST FOR PRODUCTION NO. 1:**

20 ANY and ALL DOCUMENTS CONCERNING Sony, SCEA, and/or the PS3.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

22 Plaintiff incorporates by reference his General Objections and further objects to this
23 Request as it is overly broad, unduly burdensome, vague and ambiguous, seeks documents
24 irrelevant to the claims or defenses of any party to this litigation and is not reasonably calculated
25 to lead to the discovery of admissible evidence. Plaintiff objects to this Request to the extent that
26 it seeks information protected by the attorney-client privilege and attorney work product doctrine.
27
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1 Plaintiff also objects to this Request to the extent this Request seeks documents in SCEA's
2 possession, custody, or control, as to which SCEA has equal access. Subject to and without
3 waiving the foregoing objections, Plaintiff is willing to meet and confer to clarify what this
4 request seeks and/or narrow this request to appropriate relevant areas.

5 **REQUEST FOR PRODUCTION NO. 2:**

6 ANY and ALL DOCUMENTS CONCERNING COMMUNICATIONS YOU have made,
7 read, seen, sent, received, viewed, or heard CONCERNING SCEA; the PS3, including any hack
8 or "jailbreak" of the PS3; or this litigation, including, but not limited to, ANY and ALL
9 DOCUMENTS CONCERNING COMMUNICATIONS made in public or private, in writing or
10 electronic, including anywhere on the Internet.
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13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

14 Plaintiff incorporates by reference his General Objections and further objects to this
15 Request to the extent that it seeks information protected by the attorney-client privilege and
16 attorney work product doctrine. Plaintiff also objects to the terms and phrases "HACK or
17 JAILBREAK," which are vague and ambiguous, and when read in conjunction with other defined
18 and undefined terms would impose an undue burden on Plaintiff to speculate as to what
19 documents might possibly relate to the subject of the request, and then produce those documents.
20 Plaintiff also objects to this Request as it is overly broad, unduly burdensome, vague and
21 ambiguous, seeks documents irrelevant to the claims or defenses of any party to this litigation and
22 is not reasonably calculated to lead to the discovery of admissible evidence. In particular, the
23 Request seeks information that is not relevant to any claim or defense in this action insofar as it
24 seeks documents concerning consumer products other than the PS3. Subject to and without
25 waiving the foregoing objections, Plaintiff is willing to meet and confer to clarify what this
26 request seeks and/or narrow this request to appropriate relevant areas.
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1 **REQUEST FOR PRODUCTION NO. 3:**

2 ANY and ALL PS3s that YOU purchased, received, or otherwise acquired, including, but
3 not limited to, the PS3 referenced in Paragraph 14 of the CONSOLIDATED COMPLAINT.
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5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

6 Plaintiff incorporates by reference his General Objections and further objects to this
7 Request insofar as it violates his right to privacy, is overly broad, unduly burdensome, seeks
8 information irrelevant to the claims or defenses of any party to this litigation and is not reasonably
9 calculated to lead to the discovery of admissible evidence. Plaintiff also objects to this Request to
10 the extent this Request seeks information in SCEA's possession, custody, or control, as to which
11 SCEA has equal access. Moreover, Plaintiff objects to this Request since it is believed that any
12 testing of Plaintiff's PS3s will ultimately cause harm to the items. Defendants are also directed to
13 the letter from Plaintiffs' counsel dated September 16, 2010 addressed to Luanne Sacks outlining
14 Plaintiffs' objections to Defendant's request for the production of Plaintiffs' PS3 consoles.
15 Therefore, Plaintiff will not produce the PS3s in his possession, custody, or control without an
16 appropriate order from this Court. Subject to and without waiving the foregoing objections,
17 Plaintiff is willing to meet and confer to clarify what this request seeks and/or narrow this request
18 to appropriate relevant areas.
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21 **REQUEST FOR PRODUCTION NO. 4:**

22 ANY and ALL DOCUMENTS CONCERNING the purchase, receipt and/or acquisition of
23 each PS3 to be identified and produced in response to Request Number 3, including, but not
24 limited to purchase orders, bills of sale, invoices, credit card receipts cancelled checks and money
25 orders.
26
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28 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

1 Plaintiff incorporates by reference his General Objections and further objects to this
2 Request as it is overbroad, unduly burdensome, vague and ambiguous, seeks documents that are
3 irrelevant to the claims or defenses of any party to this litigation and is not reasonably calculated
4 to lead to the discovery of admissible evidence. Plaintiff also objects to this request on the
5 grounds that it violates the attorney-client privilege and attorney work product doctrine. Plaintiff
6 also objects to this Request to the extent this Request seeks documents in SCEA's possession,
7 custody, or control, as to which SCEA has equal access. Subject to and without waiving the
8 foregoing, to the extent responsive documents exist, Plaintiff will produce those documents in his
9 possession, custody, or control, sufficient to evidence the purchase of the PS3 at issue in this
10 litigation.
11

12 **REQUEST FOR PRODUCTION NO. 5:**

13
14 ANY and ALL DOCUMENTS and things that, at the time of purchase, receipt and/or
15 acquisition, accompanied each PS3 to be identified and produced in response to Request Number
16 3, including, but not limited to, boxes, containers, packaging materials, instruction manuals or
17 pamphlets, papers, inserts, promotional materials, disclaimers, warranty cards, reports, brochures,
18 schematics, customer service information, graphics, pictures, cables, controllers, connectors,
19 remote control devices, protective covering, Compact Disc, Digital Versatile Disc. Blu-ray™
20 Disc, and/or ANY other writings, hardware, software and/or peripherals.
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23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

24 Plaintiff incorporates by reference his General Objections and further objects to this
25 Request insofar as it is overly broad, unduly burdensome, vague and ambiguous, seeks documents
26 irrelevant to the claims or defenses of any party to this litigation, and is not reasonably calculated
27 to lead to the discovery of admissible evidence. Plaintiff also objects to this Request to the extent
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1 this Request seeks documents in SCEA's possession, custody, or control, as to which SCEA has
2 equal access. Subject to and without waiving the foregoing objections, Plaintiff is willing to meet
3 and confer to clarify what this request seeks and/or narrow this request to appropriate relevant
4 areas.

5
6 **REQUEST FOR PRODUCTION NO.6:**

7
8 ANY and ALL DOCUMENTS and/or things not responsive to Request Number 3
9 CONCERNING ANY data, game, program, operating system, application, file, hard drive,
10 memory storage device, Internet browser, mouse, printer, television, cable, wireless network,
11 hardware, firmware, peripheral, monitor, keyboard, Compact Disc, Digital Versatile Disc,
12 Bluray™ Disc, and or software code that VENTURA authored, created, used with, connected to,
13 installed on, downloaded to, backed up to, backed up from, imaged and/or uninstalled on each PS3
14 to be identified and produced in response to Request Number 3 that did not accompany each PS3
15 at the time of purchase, receipt and/or acquisition.
16

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

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19 Plaintiff incorporates by reference his General Objections and further objects to this
20 Request as it violates Plaintiff's right to privacy and the privacy rights of third parties, is overly
21 broad, unduly burdensome, vague and ambiguous, seeks information irrelevant to the claims or
22 defenses of any party to this litigation, and is not reasonably calculated to lead to the discovery of
23 admissible evidence. Plaintiff also objects to this request on the grounds that it violates the
24 attorney-client privilege and attorney work product doctrine. Plaintiff also objects to this Request
25 to the extent this Request seeks information in SCEA's possession, custody, or control, as to
26 which SCEA has equal access. Moreover, Plaintiff objects to this Request since it is believed that
27 any testing of these components by SCEA will ultimately cause harm to the items. Defendant is
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1 also directed to the letter from Plaintiffs' counsel dated September 16, 2010 addressed to Luanne
2 Sacks outlining Plaintiffs' objections to Defendant's request for the production such items.
3 Subject to and without waiving the foregoing objections, Plaintiff is willing to meet and confer to
4 clarify what this request seeks and/or narrow this request to appropriate relevant areas.
5

6 **REQUEST FOR PRODUCTION NO. 7:**

7 A forensic copy of the hard drive for ANY and ALL PERSONAL COMPUTERS used by
8 Anthony Ventura during the DESIGNATED PERIOD, including, but not limited to, any used by
9 Anthony Ventura at his place of residence and/or place of business.
10

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

12 Plaintiff incorporates by reference his General Objections and further objects to this
13 Request as it violates Plaintiff's right to privacy and the privacy rights of third parties, is overly
14 broad, unduly burdensome, harassing, seeks information irrelevant to the claims or defenses of
15 any party to this litigation, and is not reasonably calculated to lead to the discovery of admissible
16 evidence. Plaintiff also objects to this request on the grounds that it violates the attorney-client
17 privilege and attorney work product doctrine. Moreover, Plaintiff objects to this Request since it
18 is believed that any testing of these components by SCEA will ultimately cause harm to the items.
19 Defendant is also directed to the letter from Plaintiffs' counsel dated September 16, 2010
20 addressed to Luanne Sacks outlining Plaintiffs' objections to Defendant's request for the
21 production such items. Therefore, Plaintiff will not produce any of the requested items in his
22 possession, custody, or control without an appropriate order from this Court.
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25 **REQUEST FOR PRODUCTION NO. 8:**

26 ANY and ALL DOCUMENTS CONCERNING the purchase, receipt and/or acquisition of
27 ANY and ALL PERSONAL COMPUTERS in Anthony Ventura's possession, custody or control,
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1 including, but not limited to, any used by Anthony Ventura at his place of residence and/or place
2 of business during the DESIGNATED TIME PERIOD, including, but not limited to purchase
3 orders, bills of sale, invoices, credit card receipts, cancelled checks and money orders.
4

5 RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

6 Plaintiff incorporates by reference his General Objections and further objects to this
7 Request on the grounds that it violates his privacy rights and the privacy rights of third parties, is
8 overly broad, unduly burdensome, harassing, seeks documents irrelevant to the claims or defenses
9 of any party to this litigation, and is not reasonably calculated to lead to the discovery of
10 admissible evidence. Plaintiff also objects to this request on the grounds that it violates the
11 attorney-client privilege and attorney work product doctrine.
12

13 REQUEST FOR PRODUCTION NO.9:

14 ANY and ALL DOCUMENTS CONCERNING agreements you signed, affirmed, or
15 otherwise consented to CONCERNING YOUR use of each PS3 identified and produced in
16 response to Request Number 3, including, but not limited, ANY and ALL DOCUMENTS
17 CONCERNING warranties, license agreements, and terms of use.
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20 RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

21 Plaintiff incorporates by reference his General Objections and further objects to this
22 Request as it is overly broad, unduly burdensome, vague and ambiguous, seeks documents
23 irrelevant to the claims or defenses of any party to this litigation, and is not reasonably calculated
24 to lead to the discovery of admissible evidence. Plaintiff also objects to this request on the
25 grounds that it violates the attorney-client privilege and attorney work product doctrine. Plaintiff
26 also objects to this Request to the extent this Request seeks documents in SCEA's possession,
27 custody, or control, as to which SCEA has equal access. Plaintiff also objects to the terms and
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1 phrases "SIGNED, AFFIRMED, OR OTHERWISE CONSENTED," which are vague and
2 ambiguous, and when read in conjunction with other defined and undefined terms would impose
3 an undue burden on Plaintiff to speculate as to what documents might possibly relate to the subject
4 of the request, and then produce those documents. Subject to and without waiving the foregoing
5 objections, Plaintiff is willing to meet and confer to clarify what this request seeks and/or narrow
6 this request to appropriate relevant areas.

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8 **REQUEST FOR PRODUCTION NO. 10:**

9
10 ANY and ALL advertisements, marketing, promotion literature, DOCUMENTS and/or
11 COMMUNICATIONS which YOU contend are "false and/or misleading" as alleged in Paragraph
12 141 of the CONSOLIDATED COMPLAINT.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

14
15 Plaintiff incorporates by reference his General Objections and further objects to this
16 Request as it is overly broad, unduly burdensome, and vague and ambiguous. Plaintiff also
17 objects to this Request to the extent this Request seeks documents in SCEA's possession, custody,
18 or control, as to which SCEA has equal access. Subject to and without waiving the foregoing
19 objections, Plaintiff is willing to meet and confer to clarify what this request seeks and/or narrow
20 this request to appropriate relevant areas.

21 **REQUEST FOR PRODUCTION NO. 11:**

22
23 ANY and ALL DOCUMENTS CONCERNING YOUR allegation in Paragraph 2 of the
24 CONSOLIDATED COMPLAINT that SCEA "advertised the PS3's 'Other OS' feature as an
25 essential and important characteristic."

26
27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

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1 Plaintiff incorporates by reference his General Objections and further objects to this
2 Request insofar as it is overly broad and unduly burdensome. Plaintiff also objects to this request
3 on the grounds that it violates the attorney-client privilege and attorney work product doctrine.
4 Plaintiff also objects to this Request to the extent this Request seeks documents in SCEA's
5 possession, custody, or control, as to which SCEA has equal access. Subject to and without
6 waiving the foregoing objections, Plaintiff is willing to meet and confer to clarify what this
7 request seeks and/or narrow this request to appropriate relevant areas.
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9 **REQUEST FOR PRODUCTION NO. 12:**

10 ANY and ALL DOCUMENTS CONCERNING YOUR allegation in Paragraph 4 of the
11 CONSOLIDATED COMPLAINT that "Defendant could have taken other less intrusive or
12 extreme measures, other than disabling the 'Other OS' feature, to address its purported 'security'
13 concerns."
14

15
16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

17 Plaintiff incorporates by reference his General Objections and further objects to this
18 Request insofar as it is overly broad and unduly burdensome. Plaintiff also objects to this request
19 on the grounds that it violates the attorney-client privilege and attorney work product doctrine.
20 Plaintiff also objects to this Request to the extent this Request seeks documents in SCEA's
21 possession, custody, or control, as to which SCEA has equal access. Subject to and without
22 waiving the foregoing objections, Plaintiff is willing to meet and confer to clarify what this
23 request seeks and/or narrow this request to appropriate relevant areas.
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25 **REQUEST FOR PRODUCTION NO. 13:**

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1 ANY and ALL DOCUMENTS CONCERNING YOUR allegation in Paragraph 4 of the
2 CONSOLIDATED COMPLAINT that “Defendant’s removal of the ‘Other OS’ feature
3 eviscerated one of the PS3’s primary purposes, *i.e.* its use as a personal computer.”

4 RESPONSE TO REQUEST FOR PRODUCTION NO. 13:

5 Plaintiff incorporates by reference his General Objections and further objects to this
6 Request insofar as it is overly broad and unduly burdensome. Plaintiff also objects to this request
7 on the grounds that it violates the attorney-client privilege and attorney work product doctrine.
8 Plaintiff also objects to this Request to the extent this Request seeks documents in SCEA’s
9 possession, custody, or control, as to which SCEA has equal access. Subject to and without
10 waiving the foregoing objections, Plaintiff is willing to meet and confer to clarify what this
11 request seeks and/or narrow this request to appropriate relevant areas.
12

13 REQUEST FOR PRODUCTION NO. 14:

14
15 ANY and ALL DOCUMENTS that Anthony Ventura relied upon in purchasing, receiving
16 or acquiring any PS3, including but not limited to, ANY and ALL DOCUMENTS
17 CONCERNING YOUR allegations in Paragraph 10 of the CONSOLIDATED COMPLAINT that
18 “[b]efore purchasing the PS3, Mr. Ventura performed extensive research on the Internet. Among
19 other things, Mr. Ventura reviewed and relied on Defendant’s website with regard to the PS3’s
20 ‘Other OS’ feature, as well as the PS3’s other advertised features such as the ability to access the
21 PSN, play video games, watch movies, and listen to music, among other things” and “Defendant’s
22 representations about the PS3’s features, including the ‘Other Os’ feature, played a substantial
23 factor in influencing Plaintiff’s decision to purchase a PS3 over the Xbox 360 and Wii.”
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26 RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

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1 Plaintiff incorporates by reference his General Objections and further objects to this
2 Request insofar as it is overly broad and unduly burdensome. Plaintiff also objects to this request
3 on the grounds that it violates the attorney-client privilege and attorney work product doctrine.
4 Plaintiff also objects to this Request to the extent this Request seeks documents in SCEA's
5 possession, custody, or control, as to which SCEA has equal access. Subject to and without
6 waiving the foregoing, to the extent non-privileged responsive documents exist in the possession,
7 custody, or control of Plaintiff, they will be produced.
8

9 **REQUEST FOR PRODUCTION NO. 15:**

10 ANY and ALL DOCUMENTS CONCERNING Anthony Ventura's use of each PS3 to be
11 identified and produced in response to Request Number 3, including, but not limited to, ANY and
12 ALL DOCUMENTS CONCERNING YOUR allegation in Paragraph 10 of the
13 CONSOLIDATED COMPLAINT that "[Anthony Ventura] uses the PS3 for personal, family and
14 household uses" and "used his PS3 to play games, watch Blu-ray discs and access the PSN but he
15 also extensively used his PS3 as a computer, including browsing the Internet, using the Blu-ray
16 data drive, and playing Linux-specific games."
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19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

20 Plaintiff incorporates by reference his General Objections and further objects to this
21 Request insofar as it is overly broad and unduly burdensome. Plaintiff also objects to this request
22 on the grounds that it violates the attorney-client privilege and attorney work product doctrine.
23 Plaintiff also objects to this Request to the extent this Request seeks documents in SCEA's
24 possession, custody, or control, as to which SCEA has equal access. Subject to and without
25 waiving the foregoing objections, Plaintiff is willing to meet and confer to clarify what this
26 request seeks and/or narrow this request to appropriate relevant areas.
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1 **REQUEST FOR PRODUCTION NO. 16:**

2
3 ANY and ALL DOCUMENTS CONCERNING YOUR allegation in Paragraph 48 of the
4 CONSOLIDATED COMPLAINT that “[t]he ‘Other OS’ function was extremely valuable to PS3
5 purchasers.”

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

7
8 Plaintiff incorporates by reference his General Objections and further objects to this
9 Request insofar as it is overly broad and unduly burdensome. Plaintiff also objects to this request
10 on the grounds that it violates the attorney-client privilege and attorney work product doctrine.
11 Plaintiff also objects to this Request to the extent this Request seeks documents in SCEA’s
12 possession, custody, or control, as to which SCEA has equal access. Subject to and without
13 waiving the foregoing objections, Plaintiff is willing to meet and confer to clarify what this
14 request seeks and/or narrow this request to appropriate relevant areas.
15

16 **REQUEST FOR PRODUCTION NO. 17:**

17
18 ANY and ALL DOCUMENTS CONCERNING YOUR allegation in Paragraph 56 of the
19 CONSOLIDATED COMPLAINT that “Defendant did not adequately notify its customers that all
20 such data would be lost once they installed the update.”

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

22
23 Plaintiff incorporates by reference his General Objections and further objects to this
24 Request insofar as it is overly broad and unduly burdensome. Plaintiff also objects to this request
25 on the grounds that it violates the attorney-client privilege and attorney work product doctrine.
26 Plaintiff also objects to this Request to the extent this Request seeks documents in SCEA’s
27 possession, custody, or control, as to which SCEA has equal access. Subject to and without
28

1 waiving the foregoing objections, Plaintiff is willing to meet and confer to clarify what this
2 request seeks and/or narrow this request to appropriate relevant areas.

3 **REQUEST FOR PRODUCTION NO. 18:**

4
5 ANY and ALL DOCUMENTS CONCERNING YOUR allegation in Paragraph 58 of the
6 CONSOLIDATED COMPLAINT that “[m]any users purchased peripheral devices specifically for
7 use with the ‘Other OS’ function, such as wireless keyboards and mice and external hard drives.
8 Such devices are rendered superfluous to users that install Update 3.21.”

9
10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

11 Plaintiff incorporates by reference his General Objections and further objects to this
12 Request insofar as it is overly broad and unduly burdensome. Plaintiff also objects to this request
13 on the grounds that it violates the attorney-client privilege and attorney work product doctrine.
14 Plaintiff also objects to this Request to the extent this Request seeks documents in SCEA’s
15 possession, custody, or control, as to which SCEA has equal access. Subject to and without
16 waiving the foregoing objections, Plaintiff is willing to meet and confer to clarify what this
17 request seeks and/or narrow this request to appropriate relevant areas.

18
19 **REQUEST FOR PRODUCTION NO. 19:**

20
21 ANY and ALL DOCUMENTS CONCERNING YOUR allegation in Paragraph 59 of the
22 CONSOLIDATED COMPLAINT that “[u]sers who chose not to install Update 3.21 were also
23 damaged in that they lost access to many attributes of PS3 (sic) including their PSN purchases
24 other than gaming. For example, Defendant offers Qore, an online service that offers a variety of
25 content and news concerning PS3 functions. Users pay \$24.99 for an annual subscription.
26 However, users that purchased Qore prior to the release of Update 3.21 and who did not install the
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1 update were denied the benefit of their annual subscription. Similarly, users who do not install
2 Update 3.21 lose access to any prepaid PSN account balances.”

3
4 RESPONSE TO REQUEST FOR PRODUCTION NO. 19:

5 Plaintiff incorporates by reference his General Objections and further objects to this
6 Request insofar as it is overly broad and unduly burdensome. Plaintiff also objects to this request
7 on the grounds that it violates the attorney-client privilege and attorney work product doctrine.
8 Plaintiff also objects to this Request to the extent this Request seeks documents in SCEA’s
9 possession, custody, or control, as to which SCEA has equal access. Subject to and without
10 waiving the foregoing objections, Plaintiff is willing to meet and confer to clarify what this
11 request seeks and/or narrow this request to appropriate relevant areas.

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13 REQUEST FOR PRODUCTION NO. 20:

14
15 ANY and ALL DOCUMENTS CONCERNING YOUR allegation in Paragraph 79 of the
16 CONSOLIDATED COMPLAINT that “Defendant expressly warranted via its advertising,
17 statements, brochures, website information, public statements, owner’s manuals, and other
18 representations that the functionality of the PS3 would include both the ‘Other OS’ and the various
19 other advertised functions.”

20
21 RESPONSE TO REQUEST FOR PRODUCTION NO. 20:

22 Plaintiff incorporates by reference his General Objections and further objects to this
23 Request insofar as it is overly broad and unduly burdensome. Plaintiff also objects to this request
24 on the grounds that it violates the attorney-client privilege and attorney work product doctrine.
25 Plaintiff also objects to this Request to the extent this Request seeks documents in SCEA’s
26 possession, custody, or control, as to which SCEA has equal access. Subject to and without
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1 waiving the foregoing objections, Plaintiff is willing to meet and confer to clarify what this
2 request seeks and/or narrow this request to appropriate relevant areas.

3 **REQUEST FOR PRODUCTION NO. 21:**

4
5 ANY and ALL DOCUMENTS CONCERNING YOUR allegation in Paragraph 105 of the
6 CONSOLIDATED COMPLAINT that “[b]efore purchasing the PS3, Plaintiff reviewed and relied
7 on Defendant’s affirmative representations about the PS3’s features and omissions of material
8 facts, including that Defendant would disable the ‘Other OS’ feature.”
9

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

11 Plaintiff incorporates by reference his General Objections and further objects to this
12 Request insofar as it is overly broad and unduly burdensome. Plaintiff also objects to this request
13 on the grounds that it violates the attorney-client privilege and attorney work product doctrine.
14 Plaintiff also objects to this Request to the extent this Request seeks documents in SCEA’s
15 possession, custody, or control, as to which SCEA has equal access. Subject to and without
16 waiving the foregoing objections, Plaintiff is willing to meet and confer to clarify what this
17 request seeks and/or narrow this request to appropriate relevant areas.
18

19 **REQUEST FOR PRODUCTION NO. 22:**

20
21 ANY and ALL DOCUMENTS CONCERNING YOUR allegation in Paragraph 107 of the
22 CONSOLIDATED COMPLAINT that “Defendant failed to adequately disclose, at the time of
23 purchase, that it might disable the ‘Other OS’ feature.”
24

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

26 Plaintiff incorporates by reference his General Objections and further objects to this
27 Request insofar as it is overly broad and unduly burdensome. Plaintiff also objects to this request
28

1 on the grounds that it violates the attorney-client privilege and attorney work product doctrine.
2 Plaintiff also objects to this Request to the extent this Request seeks documents in SCEA's
3 possession, custody, or control, as to which SCEA has equal access. Subject to and without
4 waiving the foregoing objections, Plaintiff is willing to meet and confer to clarify what this
5 request seeks and/or narrow this request to appropriate relevant areas.
6

7 **REQUEST FOR PRODUCTION NO. 23:**

8 ANY and ALL DOCUMENTS CONCERNING YOUR allegation in Paragraph 114 of the
9 CONSOLIDATED COMPLAINT that "Defendant also violated Civil Code §1770(19) by inserting
10 one or more unconscionable provisions into a contract."
11

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

13 Plaintiff incorporates by reference his General Objections and further objects to this
14 Request insofar as it is overly broad and unduly burdensome. Plaintiff also objects to this request
15 on the grounds that it violates the attorney-client privilege and attorney work product doctrine.
16 Plaintiff also objects to this Request to the extent this Request seeks documents in SCEA's
17 possession, custody, or control, as to which SCEA has equal access. Subject to and without
18 waiving the foregoing objections, Plaintiff is willing to meet and confer to clarify what this
19 request seeks and/or narrow this request to appropriate relevant areas.
20

21 **REQUEST FOR PRODUCTION NO. 24:**

22
23 ANY and ALL DOCUMENTS CONCERNING YOUR allegation in Paragraph 165 of the
24 CONSOLIDATED COMPLAINT that "[b]y purchasing a PS3, Plaintiff and each member of the
25 Class became owners of their PS3 and all of their PS3's features. Thus, the PS3's features,
26 including the 'Other OS' feature, which was designed, marketed, and built-in to the PS3, were
27 Plaintiffs' and the Class's property."
28

1 RESPONSE TO REQUEST FOR PRODUCTION NO. 24:

2 Plaintiff incorporates by reference his General Objections and further objects to this
3 Request insofar as it is overly broad and unduly burdensome. Plaintiff also objects to this request
4 on the grounds that it violates the attorney-client privilege and attorney work product doctrine.
5 Plaintiff also objects to this Request to the extent this Request seeks documents in SCEA's
6 possession, custody, or control, as to which SCEA has equal access. Subject to and without
7 waiving the foregoing objections, Plaintiff is willing to meet and confer to clarify what this
8 request seeks and/or narrow this request to appropriate relevant areas.
9

10 REQUEST FOR PRODUCTION NO. 25:

11
12 ANY and ALL DOCUMENTS CONCERNING YOUR allegation in Paragraph 8 of the
13 CONSOLIDATED COMPLAINT that "Plaintiff has suffered injury in fact and have lost money
14 and property as a direct result of Defendant's acts."
15

16 RESPONSE TO REQUEST FOR PRODUCTION NO. 25:

17 Plaintiff incorporates by reference his General Objections and further objects to this
18 Request insofar as it is overly broad and unduly burdensome. Plaintiff also objects to this request
19 on the grounds that it violates the attorney-client privilege and attorney work product doctrine.
20 Plaintiff also objects to this Request to the extent this Request seeks documents in SCEA's
21 possession, custody, or control, as to which SCEA has equal access. Subject to and without
22 waiving the foregoing objections, Plaintiff is willing to meet and confer to clarify what this
23 request seeks and/or narrow this request to appropriate relevant areas.
24

25 REQUEST FOR PRODUCTION NO. 26:

26
27 ANY and ALL COMMUNICATIONS with, between or among ANY PERSON, including
28 but not limited to members of the class you propose in Paragraph 70 of the CONSOLIDATED

1 COMPLAINT, that YOU have seen, read, sent, received, viewed, or heard, CONCERNING PS3,
2 SCEA, the PSN, or any matter asserted in this litigation.

3

4 RESPONSE TO REQUEST FOR PRODUCTION NO. 26:

5 Plaintiff incorporates by reference his General Objections and further objects to this
6 Request on the grounds that it is overly broad, unduly burdensome, vague and ambiguous and
7 seeks documents irrelevant to the claims or defenses of any party to this litigation or not
8 reasonably calculated to lead to the discovery of admissible evidence. In particular, the Request
9 seeks information that is not relevant to any claim or defense in this action insofar as it seeks
10 documents concerning products made by SCEA other than the PS3. Plaintiff also objects to this
11 Request on the ground that it seeks information protected by the attorney-client privilege and
12 attorney work product doctrine. Subject to and without waiving the foregoing objections, Plaintiff
13 is willing to meet and confer to clarify what this request seeks and/or narrow this request to
14 appropriate relevant areas.

15

16 REQUEST FOR PRODUCTION NO. 27:

17

18 ANY and ALL agreements Anthony Ventura has entered into with his counsel in the
19 above-captioned litigation, including, but not limited to, ANY and ALL engagement agreements.

20

21 RESPONSE TO REQUEST FOR PRODUCTION NO. 27:

22 Plaintiff incorporates by reference his General Objections. Plaintiff objects to this Request
23 on the grounds that it is overly broad and seeks documents irrelevant to the claims or defenses of
24 any party to this litigation. Plaintiff also objects to this Request on the ground that it seeks
25 information protected by the attorney-client privilege and attorney work product doctrine.

26

27 REQUEST FOR PRODUCTION NO. 28:

28

1 ANY and ALL DOCUMENTS CONCERNING an allegedly false-posting made on or
2 about June 6, 2010 on the website of Meiselman Denlea Packrnan Carton & Eberz P.C.
3 CONCERNING this litigation, including, but not limited to, the investigation of the source of that
4 posting, including whether it was the result of hacking: the identity of the individual(s) who
5 allegedly hacked that website to create the posting; and YOUR COMMUNICATIONS
6 CONCERNING the posting, including CONCERNING the alleged hack and the accurate status
7 of this litigation.
8

9 RESPONSE TO REQUEST FOR PRODUCTION NO. 28:
10

11 Plaintiff incorporates by reference his General Objections and further objects to this
12 Request as it is overly broad, unduly burdensome, harassing, seeks information irrelevant to the
13 claims or defenses of any party to this litigation and not reasonably calculated to lead to the
14 discovery of admissible evidence. Plaintiff also objects to this Request to the extent this Request
15 seeks information in SCEA's possession, custody, or control, as to which SCEA has equal access.
16 Plaintiff also objects to the term "hack" which is vague and ambiguous, and when read in
17 conjunction with other defined and undefined terms would impose an undue burden on Plaintiff to
18 speculate as to what documents might possibly relate to the subject of the request, and then
19 produce those documents. Plaintiff also objects to this Request to the extent it seeks information
20 protected by the attorney-client privilege and/or work product doctrine. To the extent the Request
21 seeks data concerning non-parties, Plaintiff objects that this Request imposes annoyance and
22 embarrassment, and is oppressive as it seeks information the production of which violates state or
23 federal laws or regulations prohibiting the dissemination of certain data, or otherwise seeks
24 private, personal or confidential data concerning non-parties. Defendant is also directed to the
25 letter from Plaintiffs' counsel dated September 16, 2010 addressed to Luanne Sacks outlining
26 Plaintiffs' objections to Defendant's request for the production such items. Therefore, Plaintiff
27
28

1 will not produce any of the requested items in his possession, custody, or control without an
2 appropriate order from this Court

3 **REQUEST FOR PRODUCTION NO. 29:**

4
5 ANY and ALL DOCUMENTS CONCERNING YOUR nicknames, handles, or other
6 moniker YOU use other than YOUR name when COMMUNICATING on Internet websites,
7 Internet postings, chat rooms, or blog posts.

8
9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

10 Plaintiff incorporates by reference his General Objections and further objects to this
11 Request as it is overly broad, unduly burdensome, vague and ambiguous, seeks documents
12 irrelevant to the claims or defenses of any party to this litigation or not reasonably calculated to
13 lead to the discovery of admissible evidence. Plaintiff also objects to this Request to the extent
14 this Request seeks documents in SCEA's possession, custody, or control, as to which SCEA has
15 equal access. Subject to and without waiving the foregoing objections, Plaintiff is willing to meet
16 and confer to clarify what this request seeks and/or narrow this request to appropriate relevant
17 areas.

18
19 **REQUEST FOR PRODUCTION NO. 30:**

20
21 ANY and ALL DOCUMENTS CONCERNING any hack or "jailbreak" of the PS3,
22 including ANY and ALL DOCUMENTS CONCERNING COMMUNICATIONS YOU have had
23 with a PERSON who has hacked the PS3.

24
25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 30:**

26 Plaintiff incorporates by reference his General Objections and further objects to this
27 Request insofar as it is overly broad, unduly burdensome, vague and ambiguous or seeks
28

1 documents irrelevant to the claims or defenses of any party to this litigation. Plaintiff also objects
2 to this request on the grounds that it violates the attorney-client privilege and attorney work
3 product doctrine. Plaintiff also objects to the terms and phrases "HACK or JAILBREAK," which
4 are vague and ambiguous, and when read in conjunction with other defined and undefined terms
5 would impose an undue burden on Plaintiff to speculate as to what documents might possibly
6 relate to the subject of the request, and then produce those documents. Plaintiff also objects to this
7 Request to the extent this Request seeks documents in SCEA's possession, custody, or control, as
8 to which SCEA has equal access.

10
11 **REQUEST FOR PRODUCTION NO. 31**

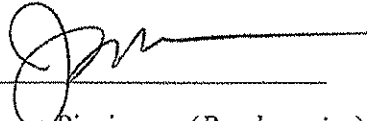
12 DOCUMENTS sufficient to establish Anthony Ventura's employment history.

13
14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 31:**

15 Plaintiff incorporates by reference his General Objections and further objects to this
16 Request as it is violates Plaintiff's privacy rights or the privacy rights of third parties, is overly
17 broad, unduly burdensome, vague and ambiguous, and seeks documents irrelevant to the claims or
18 defenses of any party to this litigation or not reasonably calculated to lead to the discovery of
19 admissible evidence. Subject to and without waiving the foregoing objections, Plaintiff is willing
20 to meet and confer to clarify what this request seeks and/or narrow this request to appropriate
21 relevant areas.
22

23
24 Dated: October 28, 2010

HAUSFELD LLP

25
26 
27 _____
28 James Pizzirusso (*Pro hac vice*)

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1700 K. St., NW, Suite 650
Washington, DC 20006
Telephone: 202-540-7200
Facsimile: 202-540-7201

James A. Quadra
Rebecca Coll
CALVO & CLARK, LLP
One Lombard Street
San Francisco, California 94111
Telephone: 415-374-8370
Facsimile: 415-374-8373

Rosemary M. Rivas
Tracy Tien
FINKELSTEIN THOMPSON LLP
100 Bush Street, Suite 1450
San Francisco, California 94104
Telephone: 415-398-8700
Facsimile: 415-398-8704

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PROOF OF SERVICE

IN RE SONY PS 3 "OTHER OS" LITIGATION

CASE NO. C 10-1811 RS

WASHINGTON, DC

I am employed in Washington, DC. My business address is 1700 K St., NW, Ste 650, Washington, DC 20006. I am over the age of eighteen years and am not a party to the within action;

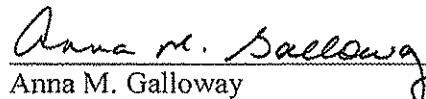
On October 28, 2010, I served the following document(s) entitled **RESPONSES AND OBJECTIONS OF PLAINTIFF ANTHONY VENTURA TO SCEA'S REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS** on DEFENDANT in this action by placing true copies thereof enclosed in sealed envelopes addressed as follows:

**Luanne Sacks
Carter Ott
DLA Piper LLP
555 Mission Street, Suite 2400
San Francisco, California 94105**

BY OVERNIGHT MAIL: By placing a true copy thereof in a sealed envelope addressed as above, and placing it for and mailing following ordinary business practices. I am readily familiar with the firm's practice of collection and processing correspondence, pleadings and other matters for overnight mailing with Federal Express. The correspondence, pleadings and other matters are deposited with Federal Express with postage thereon fully prepaid in Washington, DC, on the same day in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the bar of this Court, or one admitted pro hac vice, and at whose direction the service was made.

Executed on October 28, 2010, at Washington, DC.


Anna M. Galloway