

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAIN RE SONY PS3 "OTHER OS"
LITIGATION

No. C-10-1811 RS (EMC)

**ORDER RE DISCOVERY DISPUTE
FROM LETTERS OF APRIL 1, 2011
APRIL 6, 2011, AND APRIL 11, 2011****(Docket Nos. 169-171)**

The Court has received the separate letters regarding the 6 areas of discovery dispute. The Court warns the parties that any further violations of this Court's orders and rules – including the requirement of a meaningful and in-person meet and confer on *all* issues and submission of a *joint* letter will be subject to sanctions and contempt.

Having considered the papers and good cause appearing therefor, the Court rules as follows:

1. Protective Order

The Protective Order shall use Plaintiffs' versions of Paragraphs 2.6 and 7.3(c), and 3. As for Paragraph 5.1, the words "To the extent practical to do so" shall be retained. There does not appear to be any dispute as to Paragraph 5.2.

2. PS3 Copying Protocol

Plaintiff Stovell may not unilaterally remove his family photographs. The parties shall use the procedure suggested by Sony. Because Plaintiff Herz is no longer a class representative and the complaint has been amended to remove reference to hacking, he shall not be deposed as a class representative. Plaintiff Huber shall give his deposition in California and bring his PS3..

1 3. Plaintiffs' Depositions

2 The Plaintiff deponents may be asked to demonstrate their use of the PS3.

3 4. Keyword/Custodians

4 The parties shall meet and confer. They shall have a substantive discussion including a
5 discussion about the number of documents likely to be responsive to particular combinations of
6 keywords/custodians, identification and description of custodians beyond those offered by SCEA,
7 etc.

8 5. SCEI Discovery

9 The parties shall meet and confer. The Court will presume that a Rule 30(b)(6) deposition is
10 appropriate. Written discovery should be accordingly tailored.

11 6. Document Production Protocol

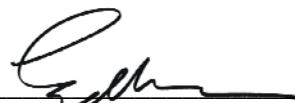
12 The parties shall meet and confer.

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14 The parties shall submit a proposed Protective Order consistent with this order. The
15 unresolved issues shall be resolved by April 20, 2011. If the issues are not completely resolved, the
16 parties shall contact this Court's Courtroom Deputy Clerk, Betty Lee, and arrange for an in-person
17 meet and confer at the federal courthouse with lead counsel in attendance.

18 This order disposes of Docket Nos. 169, 170 and 171.

19
20 IT IS SO ORDERED.

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22 Dated: April 11, 2011

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25 EDWARD M. CHEN
26 United States Magistrate Judge
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