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United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL E. DAVIS, et al.,

No. C-10-03328 RS (DMR)

Plaintiffs,

**ORDER ON NOVEMBER 4, 2011 JOINT
DISCOVERY LETTER**

v.

ELECTRONIC ARTS INC,

Defendant.

Before the court is the November 4, 2011 joint letter submitted by Plaintiffs Michael E. Davis, et al. and Defendant Electronic Arts, Inc. (“EA”) setting forth the parties’ discovery dispute. [Docket No. 88.] The court conducted a hearing on November 16, 2011. Following the hearing, the parties participated in a court-ordered meet and confer session in the courthouse. This Order summarizes the rulings made by the court on the record during the November 16, 2011 hearing and the parties’ agreements that were placed on the record following their meet and confer session.

I. Requests for the Production of Documents

Defendant is ordered to search the following additional document collections for documents responsive to Request for the Production of Documents (“RFPs”) Nos. 33, 34, and 82 and to produce such documents to Plaintiff. Defendant’s search shall be consistent with the parties’ agreement that was placed on the record following the parties’ meet and confer session.

- 1 1. Defendant is ordered to search its design databases for each year's games for the
- 2 years 2001 through 2009.
- 3 2. Defendant is ordered to search the current version of its website, including chat
- 4 rooms and blogs, for postings by game designers that are responsive to the RFPs.
- 5 3. Defendant is ordered to search marketing materials in its possession, custody, and/or
- 6 control for responsive documents, including documents containing descriptions
- 7 and/or discussions of individual player characters and/or possible modifications of
- 8 individual player characters.
- 9 4. Defendant is ordered to search the records of custodians Joel Linzner and Steven
- 10 Chiang for responsive documents.

11 **II. Requests for Admissions**

12 Defendant is ordered to amend its responses to each of Plaintiffs' Requests for Admissions
13 ("RFAs") to remove the qualification that Defendant's responses are being made solely for the
14 purposes of its anti-SLAPP Motion to Strike and Motion to Dismiss.

15 Defendant is ordered to amend its response to RFA No. 11. Defendant shall set forth a fair,
16 common sense definition of the term "based upon" in its response and provide a response to the
17 RFA using that definition.

18 **III. Interrogatory No. 8**

19 Defendant is ordered to amend its response to Interrogatory No. 8. Defendant shall provide a
20 *detailed* response to the interrogatory which addresses the 2001-2009 versions of the game.

22 IT IS SO ORDERED.

24 Dated: November 16, 2011

