1

2

3

4

5

6

7

8   UNITED STATES DISTRICT COURT

9   NORTHERN DISTRICT OF CALIFORNIA

10

11   DOUGLAS OCONNOR, *et al.*,   No. C-13-03826 EMC (DMR)

12   Plaintiffs,   **ORDER ON JOINT DISCOVERY**
                                                         LETTER [DOCKET NO. 198]
13   v.

14   UBER TECHNOLOGIES INC,

15   Defendant.
     _____/

16

17   The court has reviewed the parties' November 10, 2014 joint letter regarding their discovery

18   dispute. [Docket No. 198.] The court has determined that this matter is appropriate for adjudication

19   without oral argument pursuant to Civil Local Rule 7-1(b) and enters the following order.

20   In its November 6, 2014 order (Docket No. 194), the court ordered the parties to meet and

21   confer regarding the selection of a random sample of 100 deactivated California Uber drivers. The

22   court ordered Uber to produce documents regarding those drivers' deactivations, including

23   communications with the drivers and any internal communications about those deactivations. In the

24   current joint letter, the parties report that Uber deactivates many drivers for reasons related to

25   required paperwork; e.g., failing to update drivers' licenses, completing background checks, and

26   getting cars inspected. However, deactivations based on such technicalities do not illuminate the

27   legal issue underlying the court's discovery order, i.e., the question of Uber's "right to control the

28   manner and means of accomplishing the result desired." *See Ayala v. Antelope Valley Newspapers,*

Inc., 59 Cal. 4th 522, 531 (2014) (citation omitted). Accordingly, in light of the burdens and deadlines set in this case, the court amends its November 6, 2014 order as follows: according to the parties' agreed-upon methodology, Uber shall generate a randomly-selected list of 80 drivers who were deactivated for non-paperwork related reasons (i.e. performance-related reasons). Random means random. Neither Uber nor Plaintiffs may preview or otherwise take into account the individual attributes of any driver deactivation file in creating the document production. All documents regarding the deactivations of the 80 drivers shall be produced to Plaintiffs by no later than **November 24, 2014**.

      IT IS SO ORDERED.

Dated: November 13, 2014

IT IS SO ORDERED

_____

DONNA M. RYU

United States Magistrate Judge

Donna M. Ryu