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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MONOLITHIC POWER SYSTEMS, INC.,
Plaintiff,
v.
SILERGY CORPORATION, et al.,
Defendants.

Case No. [14-cv-01745-VC](#) (KAW)

**ORDER TERMINATING 10/2/2015
JOINT LETTER RE: E-MAIL
DISCOVERY**

Re: Dkt. No. 191

On June 23, 2015, the parties entered into a stipulation regarding the discovery of electronically stored information (“ESI”), including the discovery process to obtain email. (ESI Stip., Dkt. No. 154.)

On October 2, 2015, the parties filed a joint letter, in which Plaintiff seeks to compel Dr. Chen and Silergy’s application of Plaintiff’s 20 search terms to their respective personal and corporate email accounts. (10/2/15 Joint Letter, “Joint Letter,” Dkt. No. 191 at 2.)

As an initial matter, the parties violated the undersigned standing order by failing to address each disputed search term individually. (*See* Standing Order for Magistrate Judge Kandis A. Westmore ¶ 13)(joint letter format). As a result, Defendant has only identified four of the Plaintiff’s 20 search terms as being objectionable, none of which were addressed by Plaintiff. Defendant’s objection to Term No. 14 appears meritorious, as some words are not variants of a single root word and would count as multiple search terms. (*See* Joint Letter at 6-7.) The Court, however, cannot definitively resolve this issue because several words are presumably in Chinese and the parties have not provided English translations.

Furthermore, it appears by Plaintiff’s use of disjunctive terms, such as “or,” that it is attempting to propound more than twenty search terms per custodian. (Joint Letter at 1.) It is

1 impossible for the undersigned to determine how many search terms have been propounded, or
2 whether some of the search terms violate the ESI Stipulation, because, again, several terms are not
3 in English. (*See* Joint Letter at 1.) The Court notes that some of the terms appear to address
4 specific issues and, therefore, would not violate the ESI Stipulation. Furthermore, Plaintiff is
5 correct in its assertion that it is not required to provide narrative requests, and need only identify
6 the custodian, search terms, and time frame. (*See* Joint Letter at 2.) If the term is disputed,
7 however, Plaintiff should briefly identify the issue the term addresses as part of the meet and
8 confer process.

9 Accordingly, the joint letter is TERMINATED on the grounds that the parties violated the
10 undersigned’s standing order and have failed to provide sufficient information to resolve the
11 pending dispute. The parties are ordered to further meet and confer regarding the disputed terms.
12 The Court is confident that the parties can significantly narrow the scope of this dispute by
13 running any non-objectionable search terms as propounded, as well as by agreeing to narrow the
14 propounded terms through the addition of conjunctive words or phrases. (*See* ESI Stip. ¶ 10.)

15 Should the parties be unable to resolve the dispute in its entirety, they may file a new joint
16 letter, within 7 days of the close of fact discovery, which:

- 17 1. Individually addresses each remaining disputed search term and explain why the term
18 is either reasonable or objectionable, in the following format:

19 **A. Search Term No. 1**

20 MPS* or monolithic or “m company” or “m 公司 <English Translation>”

21 Plaintiff’s Position

22 [Plaintiff’s position, including how the search term(s) complies with the ESI
23 Stipulation, the number of terms, identifies the specific issue(s), etc.]

24 Defendant’s Position

25 [Defendant’s rationale as to why the search term is objectionable.]

26 **B. Search Term No. 20**

27 bump* or “凸塊 <English Translation>” or “凸块 <English Translation>”

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Plaintiff's Position

[Plaintiff's position, including how the search term(s) complies with the ESI Stipulation, the number of terms, identifies the specific issue(s), etc.]

Defendant's Position

[Defendant's rationale as to why the search term is objectionable.];

2. Provides an English translation of any non-English words (see format above);
3. Identifies the specific issue(s) each individual search term addresses to ensure that the search term does not seek general discovery of a product or business, which is not permitted pursuant to Paragraph 6 of the ESI Stipulation.

IT IS SO ORDERED.

Dated: October 20, 2015


KANDIS A. WESTMORE
United States Magistrate Judge