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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES LATHROP, et al.,
Plaintiffs,
v.
UBER TECHNOLOGIES, INC.,
Defendant.

Case No. 14-cv-05678-JST (KAW)

**ORDER REGARDING JOINT
DISCOVERY LETTER BRIEF**

Re: Dkt. No. 129

The parties to the above-captioned case have filed a joint discovery letter regarding screen flows and three data profiles that purportedly contain the text messages giving rise to this putative class action. (Dkt. No. 129-3.) The matter was referred to the undersigned for resolution. (Dkt. No. 136.) Having conducted a preliminary review of the parties' joint letter, the Court finds that the filing is deficient.

First, Plaintiffs have not identified the propounded discovery that entitles them to the information sought. (See *id.* at 7 ("Further, these new requests are not included in any of Plaintiffs' requests for production and were not raised in the parties' previous joint discovery letter (which this letter supplements), preventing Uber from meaningfully raising its objections.").) Second, the parties have used the instant filing to present a truncated motion to compel as opposed to a true joint letter. For example, Plaintiffs drafted their half of the joint letter, Defendant provided its response, and Plaintiffs added a reply. (Joint Ltr. at 1 n.1.) This format does not comply with this Court's General Standing Order. (See Judge Westmore's General Standing Order ¶ 13.) The use of this format also shows that the parties have not sufficiently met and conferred. In their "reply," Plaintiffs raise a new proposal, apparently in part due to the "newly revealed information" contained in Defendant's portion of the joint letter—an appropriate topic for a meet

1 and confer. The parties shall properly meet and confer so that they can each consider their
2 respective proposals and arrive at an appropriate compromise. Third, Plaintiffs do not address
3 Rule 26(b)(1)'s relevancy and proportionality requirements. Given the substantial volume of the
4 information sought, Plaintiffs shall be sure to do so if the parties file a new joint letter brief.
5 Furthermore, if the parties file a joint letter in the future, they shall promptly lodge courtesy copies
6 of their filing, and if the parties seek to file any information under seal, those courtesy copies shall
7 comply with Civil Local Rule 79-5(d)(2).

8 For these reasons, the parties' joint discovery letter brief is TERMINATED.

9 IT IS SO ORDERED.

10 Dated: 03/11/2016

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12 KANDIS A. WESTMORE
13 United States Magistrate Judge
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