

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 FEDERAL TRADE COMMISSION,
4 Plaintiff,
5 v.
6 DIRECTV, INC., et al.,
7 Defendants.
8

Case No. [15-cv-01129-HSG](#) (MEJ)

DISCOVERY ORDER

Re: Dkt. No. 102

9 Pending before the Court is the parties' discovery letter concerning Plaintiff Federal Trade
10 Commission's (the "FTC") request to compel Defendants DIRECTV and DIRECTV, LLC
11 ("Defendants") to respond to its Interrogatory Request 10, which seeks the following: "Identify
12 each Person for whom or on whose behalf DIRECTV has paid any fees or costs for legal
13 representation in connection with this action." Jt. Ltr. at 1, Dkt. No. 102. The FTC explains that
14 Defendants have produced only 38 documents in response to its requests for production, and the
15 FTC has therefore subpoenaed that evidence from nonparties that do business with Defendants.
16 *Id.* However, after the FTC issued the subpoenas, Defendants' counsel, Sidley Austin LLP, took
17 over representation of the nonparties. *Id.* The FTC argues information regarding the breadth of
18 nonparty representation coverage by Sidley is relevant because it raises concerns about
19 Defendants' influence over the nonparties. *Id.* at 2. However, as the FTC admits, it does not seek
20 to compel any nonparty's production through this request. *Id.* If the FTC claims nonparties are
21 improperly withholding documents, it should first seek to compel disclosure from those
22 nonparties, as any influence Defendants have over the nonparties is not at issue if the FTC is able
23 to obtain the discovery to which it is entitled. Accordingly, the Court **DENIES** the FTC's request
24 without prejudice.

25 **IT IS SO ORDERED.**

26 Dated: February 11, 2016

27 
28 _____
MARIA-ELENA JAMES
United States Magistrate Judge