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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FEDERAL TRADE COMMISSION,
Plaintiff,
v.
DIRECTV, INC., et al.,
Defendants.

Case No. [15-cv-01129-HSG](#) (MEJ)
DISCOVERY ORDER
Re: Dkt. No. 127

On March 3, 2016, the parties filed a joint discovery dispute letter regarding the FTC’s Requests for Production No. 12 (“All consumer complaints regarding any of the Material Terms of the Service.”) and No. 13 (“All Documents relating to consumer complaints regarding any of the Material Terms of the Service.”). Dkt. No. 113. Having reviewed the parties’ positions, the Court found the FTC’s requests relevant but overbroad and ordered the parties to further meet and confer in an effort to narrow the scope of the requests. Dkt. No. 117. If unable to reach a resolution, the Court ordered the parties to file an updated letter setting forth a summary of each party’s final substantive position and their final proposed compromise on each issue.

Unable to resolve these matters, the parties filed an updated letter on March 31, 2016. Dkt. No. 127. Having reviewed the updated letter, the Court ORDERS as follows:

- 1) RFP No. 12

Although DIRECTV maintains its RIO system does not contain consumer complaints, the FTC has shown that, at a minimum, it likely contains relevant information such as customers who call DIRECTV to express concern about monthly cost increases. Accordingly, the Court finds the FTC’s proposal an appropriate compromise and therefore ORDERS DIRECTV to produce a chronological list of RIO files since January 1, 2007 (the Complaint period) by April 11, 2016.

1 The FTC shall then select a random sample from that list, and DIRECTV shall produce the files
2 within 14 days of the selection. With regard to DIRECTV's concern for protecting consumers'
3 personal information, the FTC has stated it does not seek such information, and therefore
4 DIRECTV need not produce it. If DIRECTV seeks to produce consumers' personal information
5 in order to avoid the burden of redacting it, DIRECTV can do so under the safeguards of the
6 governing Protective Order, as indicated in the Court's March 8 Order.

7 2) RFP No. 13

8 Given that the FTC's search proposal could result in millions of documents, the Court
9 finds it reasonable for DIRECTV to instead produce the consumer complaint reports it uses to
10 track consumer complaints. DIRECTV shall produce these reports by April 11, 2016. If the FTC
11 still contends further production is required after review of these reports, the parties shall again
12 meet and confer in compliance with the undersigned's Discovery Standing Order.

13 **IT IS SO ORDERED.**

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15 Dated: April 4, 2016

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18 MARIA-ELENA JAMES
19 United States Magistrate Judge
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