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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. 148

On June 9, 2016, Defendants DIRECTV and DIRECTV, LLC (collectively, “DIRECTV”) and Plaintiff Federal Trade Commission (“FTC”) filed a joint discovery letter regarding the FTC’s Request for Production (“RFP”) No. 2, which seeks “[a]ll Advertisements disseminated to consumers relating to the Service.” Dkt. No. 148 (Jt. Ltr.); *Id.*, Ex. A (FTC’s RFPs)¹, Dkt. No. 148-1. The FTC notes it served its RFPs on June 26, 2015, and DIRECTV does not dispute the central relevance of its advertisements to this case. *Id.* at 2. Instead, the FTC states that prior to this letter brief, DIRECTV maintained the FTC would receive a production of DIRECTV’s ads from various nonparties, but “now changes its position to promise to provide responsive documents by July 8, 2016 – over a year after the RFP was propounded, and only two weeks before the close of fact discovery.” *Id.* In response, DIRECTV maintains that it and third-parties in this case “have produced tens of thousands of pages of advertisements,” the FTC “has the relevant advertisements,” and “[a]ll that is left is a small amount of clean-up, which DIRECTV has agreed to complete by July 8, 2016.” *Id.* at 4. However, given the July 21, 2016 discovery cut-off (*see* Dkt. No. 32), the FTC argues that “any additional delay in DIRECTV’s production

¹ “‘Service’ means any direct-to-home digital television service that [DIRECTV] have Advertised, marketed, promoted, sold, or otherwise offered to consumers in the United States.” *Id.*, Ex. A ¶ 12.

1 would significantly prejudice the FTC. DIRECTV’s proposal to produce its ads on July 8—just
2 two weeks before the close of discovery—will not permit the FTC to complete a meaningful
3 review to determine if any categories remain missing.” *Id.*

4 As DIRECTV does not appear to dispute the relevance of the FTC’s request, the Court
5 **ORDERS** DIRECTV to produce to the FTC complete copies of all responsive print, digital
6 (Internet), and television advertisements, as detailed in the FTC’s portion of the joint letter and
7 that have not already been produced, by July 1, 2016. If the FTC contends more time is needed to
8 complete a meaningful review of the production, it may seek an extension of the discovery
9 deadline from the presiding judge, preferably in the form of a stipulation and proposed order from
10 both parties.

11 **IT IS SO ORDERED.**

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13 Dated: June 10, 2016

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16 MARIA-ELENA JAMES
17 United States Magistrate Judge
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