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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WAYMO LLC,
Plaintiff,
v.
UBER TECHNOLOGIES, INC., et al.,
Defendants.

Case No. [17-cv-00939-WHA](#) (JSC)

**ORDER RE: PARAGRAPH SIX OF
DISTRICT COURT'S PI ORDER**

United States District Court
Northern District of California

On May 11, 2017 the district court granted in part Waymo’s motion for a preliminary injunction. Among other remedies, the court granted Waymo “further expedited discovery in aid of possible further provisional relief.” The court also stated that “[a]fter Waymo has exhausted its expedited discovery, it may continue with normal discovery.” (Dkt. No. 433 at 25-26.) Uber interprets this Order as *staying* normal discovery until Waymo exhausts its permitted expedited discovery, while Waymo insists the district court intended no such thing as a delay in normal discovery would prejudice Waymo given the short time frame to complete discovery. After reviewing the district court’s order, and conferring with the district court, the Court rules that Waymo must first proceed with the expedited discovery ordered in the district court’s preliminary injunction order. Once Waymo exhausts the expedited discovery, it may continue discovery with the standard deadlines. Waymo may, however, concurrently propound requests for admissions since the district court’s expedited discovery order did not provide for such discovery. Further, Waymo does not need to propound new discovery requests if it wishes the expedited schedule to apply to previously-requested discovery. This process is not designed to alleviate any burden on Uber, but rather to ensure that the expedited discovery process is exhausted first. This discovery phasing may be revisited depending on the progress of the expedited discovery. The third-party

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discovery as to Gorilla Circuits may proceed, as agreed to by Uber.

Uber may continue its discovery; however, it is not expedited.

IT IS SO ORDERED.

Dated: May 15, 2017



JACQUELINE SCOTT CORLEY
United States Magistrate Judge