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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA

6 TERADATA CORPORATION, et al.,

7 Plaintiffs,

8 v.

9 SAP SE, et al.,

10 Defendants.
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Case No. 18-cv-03670-WHO (JCS)

**ORDER GRANTING IN PART
DISCOVERY MOTION**

Re: Dkt. No. 338

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13 Teradata has filed a motion to compel SAP to produce a Rule 30(b)(6) witness to testify to
14 SAP's efforts to preserve and produce documents (the "Motion"). Dkt. 338. The court held a
15 hearing on December 4, 2020, and for good cause the Motion is GRANTED IN PART as follows:

- 16 1. By Friday, December 11, 2020, SAP shall produce a fact declaration and any relevant
17 non-privileged documents regarding each of the following: (1) the factual basis for the
18 warning letter to Mr. Zenus; (2) the results of SAP's investigation into the disposition
19 of Mr. Sauer's external hard drive, his SAP computer, and the data on those devices;
20 and (3) the results of SAP's investigation into the disposition of Mr. Schroeder's laptop
21 that was returned to SAP in 2013 and the data on that device.
- 22 2. By Monday, December 7, 2020, SAP and Teradata shall submit briefs, limited to two
23 pages, addressing whether the General Data Protection Regulation (GDPR) requires
24 SAP to secure permission from its employees (or others) in GDPR jurisdictions or to
25 take other steps before performing a search (without reviewing the contents of the
26 resultant documents) of its Office 365 system for all e-mails sent to and from
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Mr. Schroeder, Mr. Henkes, and Mr. Latza between 2008 and 2013. Upon reading these briefs, the Court will decide whether to order such a search.

3. By December 11, 2020, the parties shall submit (1) a two-page joint letter concerning their positions on the one disputed term in the proposed ESI order and (2) a red-lined version of the proposed ESI order showing the parties' competing versions.

IT IS SO ORDERED.

Dated: December 4, 2020.



JOSEPH C. SPERO
Chief Magistrate Judge

United States District Court
Northern District of California