

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANIBAL RODRIGUEZ, et al.,
Plaintiffs,
v.
GOOGLE LLC,
Defendant.

Case No. [20-cv-04688-RS](#) (AGT)

DISCOVERY ORDER

Re: Dkt. No. 233

The Court previously ordered Google to run certain ESI searches for the first five of its twenty-four custodians. *See* Dkt. 208, 224. Now plaintiffs seek a court order that would require Google to run certain ESI searches for its remaining nineteen custodians.

Having considered the parties’ respective positions, the Court orders Google to run the searches indicated below with an “X” in the column labeled “Google to Search.” For searches not marked with an “X,” plaintiffs may propose new, narrower terms, but the terms currently proposed are overbroad. If plaintiffs propose new terms, they must provide those terms to Google and the parties must meet and confer to discuss them before returning to the Court.

No.	Search Terms	Google to Search:	
		GA4F / Fire-base / Data ¹	WAA / Privacy / Counsel ²
1	WAA OR WAAH OR WAAs OR sWAA OR “W&AA” OR “W&AAs” OR “Web/App” OR “web history” OR WSHS OR (Web /2 “App Activity”)	X	

¹ Unless otherwise indicated, Google is to employ the terms identified with an “X” in this column for Sree Pothana, Dan Stone, Donald Harrison, Jason Titus, and Xinyu Ye. In certain cases, Google is only to employ the term identified for a subset of custodians in a column. In those cases, the label “GA4F” refers to Pothana and Stone; “Firebase” refers to Harrison and Titus; and “Data” refers to Ye.

² Unless otherwise indicated, Google is to employ the terms identified with an “X” in this column for Greg Fair, Dale Nil, Nick Linkow, Katie Brennan (Virk), Jan Hannemann, Guemmy Kim, Mark Risher, Rahul Roy-Chowdhury, Chris Ruemmler, Eric Miraglia, Sam Heft-Luthy, Stephan Micklitz, and Keith Enright.

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No.	Search Terms		Google to Search:	
			GA4F / Fire- base / Data ¹	WAA / Privacy / Counsel ²
2	WAA OR WAAH OR WAAs OR sWAA OR “W&AA” OR “W&AAs” OR “Web/App” OR “web history” OR WSH OR (Web /2 “App Activity”)		X	X
	/50	disclos* “your activity” analytics scion function* “event data” “measurement data” firebase		
	/25	benefits “data collection” “privacy policy”		
	/10	plan* feature launch		
3	WAA OR WAAH OR WAAs OR sWAA OR “W&AA” OR “W&AAs” OR “Web/App” OR “web history” OR WSH OR (Web /2 “App Activity”)		X	X
	/50	benefits “data collection” “privacy policy” plan* feature launch		
4	WAA OR WAAH OR WAAs OR sWAA OR “W&AA” OR “W&AAs” OR “Web/App” OR “web history” OR WSH OR (Web /2 “App Activity”)		X	X
	/25	consent		
5	WAA OR WAAH OR WAAs OR sWAA OR “W&AA” OR “W&AAs” OR “Web/App” OR “web history” OR WSH OR (Web /2 “App Activity”)		X	X
	/50	consent		
6	(WAA OR sWAA OR WAAH OR “W&AA” OR “W&AAs” OR Firebase OR GA4F OR authenticat*) AND (CFS OR “Consent Flow Service”)		X	X
7	(WAA* OR sWAA OR “my account” OR “my activity”) /50 “App Indexing”		X	X

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No.	Search Terms				Google to Search:	
					GA4F / Fire-base / Data ¹	WAA / Privacy / Counsel ²
8	(WAA* OR sWAA OR “app activity”) /15 (“My Account” OR “My Activity”)				X	X
9	(“new ad control” OR “new ads control” OR “new ads controls” OR “new ad controlling” OR “new ads controlling” OR “new ad controls” OR “new ad controlled” OR “new ads controlled” OR NAC)				X	X
	/25	benefits “data collection” “privacy policy” consent* function disclos* analytics GA4F	scion “event data” “measurement data” plan feature launch WAA* sWAA	“app activity” AdMob FCM “Cloud Messaging” firebase permi* allow*		
10	“app activity”				X	X
11	“activity controls”				X	X
12	“your Google Account”				X	
13	“activity data” OR “app data”					
14	“allow Google to save”				X	X
15	“activities and info you allow Google to save”				X	X
16	“your searches and activity”				X	X
17	“to let Google save”				X	X
18	“must be on”				X	X
19	“on-device search”				X	X
20	“Screenwise Trends”				X	X
21	safeguard* /2 “your data”				X	X
22	“Firebase Terms of Service”				X	X
23	apps /4 “use Google services”				X	X
24	“Google Data Collection”				X	X
25	“defaulted to on”				X	X
26	“Google Analytics browser add-on”				X	X
27	“non-Google branded”				X	X
28	“apps using Google Analytics”				X	X
29	“data about app users”				X	X

No.	Search Terms		Google to Search:	
			GA4F / Fire-base / Data ¹	WAA / Privacy / Counsel ²
30	“what we collect” “data we collect”		X	X
31	“use policy” automatic* /2 collect* product* AND (integrat* AND “third-party apps”)		X	X
32	(“on OR off” OR “switch the collection”) AND (WAA OR WAAH OR WAAs OR sWAA OR “W&AA” OR “W&AAs” OR “web history” OR “WHSH” OR (Web pre/2 “App Activity”)) AND NOT (“Location History”)		X	X
33	“on OR off” OR “switch the collection”		X	X
34	“on/off” /5 control*		X	X
35	“Privacy Policy” /15 (chang* OR amend* OR modif* OR alter*)		X ³	n/a
36	“Privacy Policy” /10 (confus* OR inaccurate* OR (not /3 accurate*) OR incorrect* OR (not /3 correct*) OR mislead* OR wrong* OR false* OR flaw* OR (not /3 tru*) OR WAA* OR sWAA OR “my activity”)		X	X
37	(“My Account” OR “My Activity”) /15 (consent OR pseudonymous OR (still /5 collect*))		X	X
38	(user* OR consumer* OR customer* OR people*) /10 (confus* OR misunderstand* OR misle*)		X	
	(user* OR consumer* OR customer* OR people*) /10 (underst* OR comprehen* OR consent OR know OR represent* OR disclos*)		X	X
39a	/10	(WAA* OR sWAA OR GA4F OR “GA for Fire-base” OR “Google Analytics” OR scion OR FCM OR “Firebase Cloud Messaging” OR AdMob)		
39b	/20		X	X
40	wiretap*			
41	“page_location”		X	X
42	“page_referrer”		X	X

³ Excluding custodian Ye.

No.	Search Terms	Google to Search:	
		GA4F / Fire- base / Data ¹	WAA / Privacy / Counsel ²
43	“page_title”	X	X
44	“screen_resolution”	X	X
45	correlate* /5 data	X	X
46	correlate /15 (user OR account OR profile)	X	X
47	associate /2 account	X	X
48	(associat* /15 (user OR account OR profile)) AND (“GA4F” OR “GA for Firebase” OR “Google Analytics” OR scion	X	X
49	associat* /10 ((user OR account OR profile) /5 (data OR ac- tivit* OR event* OR interact* OR log*))	X	
50	(shadow OR secret OR hidden) /2 (profil* OR account)	X	X
51	((third pre/1 (party OR parties)) OR 3P) /2 develop*) AND ((collect* OR stor* OR “use” OR using OR delet* OR dis- clos*) /15 location)	X	X
52	(authentic* OR reauthentic*) /10 (data OR log OR logs OR logged OR logging OR info OR information)	GA4F + Data: X	
		Not Firebase	
53	(PII OR ((personal OR personally) /5 info*)) /15 ((WAA* OR “sWAA”) OR “app activity” OR consent OR pseudon- ymous OR (still /5 collect*) OR (join* /5 risk*))	X	X
54	pseudony*		
55	(“real time” /20 bid*) OR RTB	GA4F + Data: X	X ⁴
		Not Firebase	
56	“Google Analytics for Firebase” OR “GA for Firebase” OR GA4F		X
57	(“GA4F” OR “GA for Firebase” OR “Google Analytics” OR scion) /25 gaia	X	X
58	(“GA4F” OR “GA for Firebase” OR “Google Analytics” OR scion) /15 (consent OR function OR disclos* OR plan OR feature OR benefits OR “data collection” OR “privacy policy”)	X	X
59	(“GA4F” OR “GA for Firebase” OR “Google Analytics” OR scion) /10 launch	X	X

⁴ Only for custodian Fair.

No.	Search Terms	Google to Search:	
		GA4F / Fire- base / Data ¹	WAA / Privacy / Counsel ²
60	("GA4F" OR "GA for Firebase" OR "Google Analytics" OR scion) /15 (conversion* OR perform* OR event OR audience)	X	X
61	Gold /5 conversion Gold /15 (((app OR apps OR application OR applications) /5 (event OR interact* OR activity OR measure*)) OR appmeasurement OR WAA* OR sWAA OR "my account" OR "my activity" OR AdMob OR FCM OR "Cloud Messaging" OR perform* OR event OR audience)	X	X
62	"Firebase SDK" OR "Firebase Software Development Kit"	X ⁵	n/a
63	Firestore /15 (((app OR apps OR application OR applications) /5 (event OR interact* OR activity OR measure*)) OR WAA* OR sWAA OR "my account" OR "my activity" OR perform* OR conversion* OR event OR audience OR appmeasurement OR AdMob OR "Google mobile service" OR GMS OR Clearcut)		
64	(FCM OR "cloud messaging") /15 (Gold OR analytics OR GA4F OR scion OR ((app OR apps OR application OR applications) /5 (event OR interact* OR activity OR measure*)) OR appmeasurement OR WAA* OR sWAA OR "my account" OR "my activity" OR conversion* OR perform* OR event OR audience)	X	X
65	AdMob /15 (Gold OR "Google Analytics" OR GA4F OR scion OR ((app OR apps OR application OR applications) /5 (event OR interact* OR activity OR measure*)) OR appmeasurement OR WAA* OR sWAA OR "my account" OR "my activity" OR conversion* OR FCM OR "cloud messaging" OR "Google Mobile Platform" OR GMP)	X	X
66	("Google Mobile Service" OR GMS) /25 ((Gold OR analytics OR GA4F) AND (log* OR user /2 data OR measurement))		X
67 ⁶	("Google Mobile Service" OR GMS OR Clearcut) /15 (Analytics OR GA4F OR Scion OR "Google Mobile Platform" OR GMP)		

⁵ Only for custodian Titus.

⁶ The undersigned previously authorized ESI custodial searches about Google Mobile Service and about Google Mobile Platform. But that was only for the first five custodians. *See* Dkt. 224. Now that plaintiffs seek to run similar searches for nineteen other custodians, the undersigned isn't convinced that the benefits of these searches outweigh the burdens, with the exception of several searches that Google has agreed to run.

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No.	Search Terms	Google to Search:	
		GA4F / Fire-base / Data ¹	WAA / Privacy / Counsel ²
68	("Google Mobile Services" OR GMS OR analytics OR perform* OR event OR audience) /15 AdMob		
69	("Google Mobile Service" OR GMS OR Clearcut) /10 (Gold OR analytics OR GA4F OR scion OR "Google Mobile Platform" OR GMP OR ((app OR apps OR application OR applications) /5 (event OR interact* OR activity OR measure*)) OR appmeasurement OR WAA* OR sWAA OR "my account" OR "my activity" OR conversion* OR perform* OR event OR audience OR FCM OR "cloud messaging" OR AdMob)		
70	("Google Mobile Platform" OR GMP) /15 (conversion* OR perform* OR event OR audience)		
71	("Google Mobile Platform" OR GMP OR Analytics OR GA4F OR Scion) AND (((app OR apps OR application OR applications) /5 (event OR interact* OR activity OR measure*)) OR WAA* OR sWAA OR "my account" OR "my activity" OR AdMob OR FCM OR "Cloud Messaging" OR appmeasurement)		

No.	Search Terms	Google to Search (for Custodian <u>Arne de Booij</u>):						
A1	<table border="1"> <tr> <td>("WAA" OR "WAAH" OR "WAAs" OR "sWAA" OR "W&AA" OR "W&AAs" OR "Web/App")</td> <td></td> </tr> <tr> <td>AND</td> <td> study studies confus* privacy understanding misunderst* misle* ppt* participant* CFS "Consent Flow Service" </td> </tr> <tr> <td>/50</td> <td> disclos* "your activity" firebase analytics scion function* "event data" "measurement data" </td> </tr> </table>	("WAA" OR "WAAH" OR "WAAs" OR "sWAA" OR "W&AA" OR "W&AAs" OR "Web/App")		AND	study studies confus* privacy understanding misunderst* misle* ppt* participant* CFS "Consent Flow Service"	/50	disclos* "your activity" firebase analytics scion function* "event data" "measurement data"	X
("WAA" OR "WAAH" OR "WAAs" OR "sWAA" OR "W&AA" OR "W&AAs" OR "Web/App")								
AND	study studies confus* privacy understanding misunderst* misle* ppt* participant* CFS "Consent Flow Service"							
/50	disclos* "your activity" firebase analytics scion function* "event data" "measurement data"							

No.	Search Terms	Google to Search (for Custodian Arne de Booij):
/25	consent benefits "data collection" "privacy policy"	
/10	plan* feature launch	
A2	"WAA" OR "WAAH" OR "WAAs" OR "sWAA" OR "W&AA" OR "W&AAs" OR "Web/App" OR "web history" OR "WHS" OR (Web /2 "App Activity")	
A3	("WAA" OR "WAAH" OR "WAAs" OR "sWAA" OR "W&AA" OR "W&AAs" OR "web history" OR "WHS" OR (Web pre/2 "App Activity")) /50 (consent OR plan* OR feature OR launch OR benefits OR "data collection" OR "privacy policy")	
A4	("My Account" OR "My Activity") /15 (WAA* OR sWAA OR "app activity" OR consent OR pseudonymous OR (still /5 collect*))	
B1	(user* OR consumer* OR customer* OR people*) /10 (underst* OR comprehen* OR consent OR know OR represent* OR disclos*) /10 (WAA* OR sWAA OR GA4F OR "GA for Firebase" OR "Google Analytics" OR scion OR FCM OR "Firebase Cloud Messaging" OR Ad-Mob)	X
B2	(user* OR consumer* OR customer* OR people*) /10 (confus* OR misunderstand* OR misle*)	
B3	(user* OR consumer* OR customer* OR people*) /10 (underst* OR comprehen* OR consent* OR know* OR represent* OR disclos*) /20 (WAA* OR sWAA OR GA4F OR "GA for Firebase" OR "Google Analytics" OR scion OR FCM OR "Firebase Cloud Messaging" OR Ad-Mob)	
C1	"on/off" /5 control*	X
C2	"on or off" AND (WAA OR WAAH OR WAAs OR sWAA OR "W&AA" OR "W&AAs" OR "web history" OR "WHS" OR (Web pre/2 "App Activity")) AND NOT ("Location History")	X
C3	"switch the collection" AND (WAA OR WAAH OR WAAs OR sWAA OR "W&AA" OR "W&AAs" OR "web history" OR "WHS" OR (Web pre/2 "App Activity")) AND NOT ("Location History")	X
C4	"on OR off" OR "switch the collection"	
D1	"allow Google to save" "your searches and activity" "page_location" "page_referrer" "page_title" "screen_resolution"	X

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No.	Search Terms	Google to Search (for Custodian <u>Arne de Booi</u> j):
D2- D41 ⁷	None	

IT IS SO ORDERED.

Dated: May 9, 2022



ALEX G. TSE
United States Magistrate Judge

⁷ After Google produces de Booi