

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MISTY SNOW, et al.,
Plaintiffs,
v.
ALIGN TECHNOLOGY, INC.,
Defendant.

Case No. 21-cv-03269-VC (TSH)

DISCOVERY ORDER

Re: Dkt. No. 265

On January 17, 2023 the Court ordered non-party SmileDirectClub (“SDC”) to show cause why it should not be ordered to produce the awards in the five arbitrations it had with Align, as well as SDC’s substantive briefing in the five arbitrations. The Court stated that it “envisions that SDC could redact competitively sensitive information that is not relevant to Plaintiffs’ Section 1 claim and asks SDC to state how long it needs to perform that review in the event the Court determines these materials should be produced to Plaintiffs.” SDC’s response to the OSC was due January 24, 2023, and Plaintiffs and Align were permitted to file a response to SDC’s response no later than January 27, 2023. ECF No. 265.

SDC filed a response to the OSC on January 24. ECF No. 170. SDC stated that it agreed to produce to Plaintiffs by February 28, 2023 the awards in and SDC’s substantive briefing from the five arbitrations, with competitively sensitive information that is not relevant to Plaintiffs’ Section 1 claim redacted. *Id.* Neither Plaintiffs nor Align filed a response to SDC’s response by the January 27 deadline. The Court interprets that to mean they do not object to the February 28 deadline that SDC proposed.

Accordingly, the Court **ORDERS** SDC to produce to Plaintiffs and Align the awards in the five arbitrations, as well as SDC’s substantive briefing the five arbitrations, with competitively

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

sensitive information that is not relevant to Plaintiffs' Section 1 claim redacted, no later than February 28, 2023.

IT IS SO ORDERED.

Dated: January 30, 2023


THOMAS S. HIXSON
United States Magistrate Judge