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United States District Court  
Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**CONTINENTAL ADVISORS S.A., ET AL.,**  
Plaintiffs,  
v.  
**GSV ASSET MANAGEMENT, LLC, ET AL.,**  
Defendants.

Case No. 14-cv-05609-YGR

**ORDER ON OCTOBER 14, 2016 DISCOVERY  
LETTER BRIEF**

Re: Dkt. No. 94

On October 14, 2016, plaintiffs and Twitter, Inc., a non-party to the action, jointly submitted a discovery letter brief to the Court. (Dkt. No. 94.) The parties are advised that the Court will resolve the dispute under the current version of Federal Rule of Civil Procedure 26(b)(1) in terms of the appropriate proportionality considerations, but will require further information from plaintiffs and Twitter. The Court provides the following guidance to aid in plaintiffs' and Twitter's subsequent meet and confer discussions on these issues:

1. In general, in light of Twitter's non-party status, plaintiffs' requests are overbroad, at a minimum in terms of the time period sought. Plaintiffs' general request for documents from September 1, 2011 to the present should be limited to end on or around the time the offering at issue was canceled in October 2012.

2. Given the current proportionality requirements and the burden to a non-party, the Court will consider what the plaintiffs have already obtained from the actual parties in this action. Plaintiffs should be prepared to respond substantively on this topic.

3. Twitter cannot avoid entirely its obligations to produce highly probative documents.

Plaintiffs and Twitter are **ORDERED** to meet and confer again and to create a phased plan for production of the most relevant documents within a narrow time frame. The Court will then


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determine whether additional discovery will be appropriate based upon additional proffers.

The Court **SETS** a compliance hearing regarding plaintiffs' and Twitter's plan for production of documents for **Friday, November 4, 2016 at 9:01 a.m.**, in the Federal Courthouse, 1301 Clay Street, Oakland, California, Courtroom 1. By **October 28, 2016**, plaintiffs and Twitter must file either (i) a JOINT STATEMENT including a phased plan for the production of documents and informing the Court of additional discovery disputes, if any; or (ii) a JOINT STATEMENT explaining the failure to comply. If the Court is satisfied with the submission, plaintiffs and Twitter need not appear, and the compliance hearing may be taken off calendar.

**IT IS SO ORDERED.**

Dated: October 19, 2016

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE