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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SYNCHRONOSS TECHNOLOGIES, INC.,

Plaintiff,

v.

DROPBOX INC., et al.,

Defendants.

Case No. 4:16-cv-00119-HSG (KAW)

**ORDER RE: JOINT DISCOVERY
LETTER BRIEFS**

Re: Dkt. Nos. 258, 260

This Order resolves two closely related Joint Discovery Letter Briefs (“JDLBs”) filed by the parties: (1) A JDLB filed on November 21, 2018 (“JDLB-1”) (Dkt. Nos. 247, 260) and (2) another JDLB filed on December 5, 2018 (“JDLB-2”) (Dkt. No. 258). Each discovery letter will be addressed in turn.

I. JDLB-1 (Filed on November 21, 2018)

On November 21, 2018, the parties filed JDLB-1. (Dkt. No. 247) Also on November 21, 2018, Defendant Dropbox, Inc. (“Defendant” or “Dropbox”) filed an Administrative Motion to File Under Seal JDLB-1 (“First Sealing Motion”). (Dkt. No. 246.) On December 3, 2018, the Court denied Defendant’s First Sealing Motion because the entirety of JDLB-1 was redacted. (Dkt. No. 251.) On December 6, 2018, Defendant filed another Administrative Motion to File Under Seal JDLB-1 (“Second Sealing Motion”), this time redacting specific lines within JDLB-1 and Exhibit 1 to the Declaration of Christopher Mandernach in support of JDLB-1 (“Ex. 1”). (Dkt. No. 259.) Also, on December 6, 2018, Defendant filed the redacted versions of JDLB-1 and Ex. 1, where specific lines were redacted in each document from the Second Sealing Motion pertaining to an issue that Dropbox is requesting information about (“the requested issue”). (Dkt. No. 260.) As such, the Court granted the Second Sealing Motion on December 18, 2018. (Dkt. No. 264.) Upon review of the arguments made by both parties in JDLB-1, the Court hereby orders the

United States District Court
Northern District of California

1 following:

2 1. Plaintiff Synchronoss shall provide a written statement to Defendant Dropbox
3 answering Dropbox’s question about the requested issue in lieu of providing additional deposition
4 testimony. This written statement will also be subject to the highest level of confidentiality under
5 the current Protective Order in this case, or “Highly Confidential – Attorneys Eyes Only.”¹ The
6 Court disagrees with Synchronoss’ argument that the attorney-client privilege extends carte
7 blanche to the requested issue because Synchronoss has not established that the requested issue
8 implicates any attorney-client communications or attorney work-product, nor has Synchronoss
9 cited any relevant authority holding that the requested issue is covered by such a blanket privilege.
10 Moreover, although Synchronoss contends that the requested issue is irrelevant to this case, there
11 is merit in Dropbox’s argument that the requested issue is related to the restated accounting
12 statements the Court ordered to be produced previously. (Dkt. No. 225.)

13 2. Dropbox’s request to obtain documents pertaining to the requested issue is
14 DENIED in part. It does not appear from the joint letter that Dropbox had issued a request for
15 production of documents directed at obtaining information about the requested issue. Moreover,
16 the document request Dropbox refers to was addressed in this Court’s prior order in which
17 Synchronoss was ordered to produce responsive documents. To the extent that any responsive
18 documents were also about the requested issue (and not duplicative), they must be produced
19 pursuant to the existing protective order as discussed above.

20 3. The parties shall:

21 (i) Meet-and-confer about specifically which non-privileged or privileged
22 documents reviewed by Mr. Prague in preparation for his Rule 30(b)(6) testimony should
23 be produced or withheld on the basis of being attorney work-product or attorney-client
24 communications; and

25 (ii) For all documents to be withheld, Synchronoss shall produce a privilege log.
26 The privilege log shall comply with Judge Westmore’s Standing Order ¶ 20.

27 _____
28 ¹ The Court notes that the parties have stipulated that the topic at issue will be designated highly
confidential.

