

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

THOMAS DAVIDSON, ET AL.,
Plaintiffs,
v.
APPLE, INC.,
Defendant.

Case No. [16-cv-04942-LHK](#) (VKD)

**ORDER RE JOINT DISCOVERY
DISPUTE LETTER RE APPLE'S
PRODUCTION OF EMAIL
ATTACHMENTS AND EMBEDDED
IMAGES**

Re: Dkt. No. 273

Plaintiffs contend that Apple's production of electronic stored information ("ESI") in this case includes a number of documents that originally included attachments and/or embedded images, but which have been produced in discovery without those attachments and images.¹

The parties and the Court discussed a possible resolution of this dispute at the hearing on November 20, 2018. Consistent with that discussion, and for the reasons stated on the record during the hearing, the Court orders as follows:

1. No later than **November 30, 2018**, Apple shall produce to plaintiffs all missing attachments and embedded images associated with the 248 Apple-produced emails plaintiffs previously identified, and that the parties reference in their joint discovery dispute letter. Apple shall produce the missing attachments and embedded images in a manner that permits plaintiffs to easily associate the attachments and images with the emails to which they belong. If, after a reasonable and diligent search, Apple is unable to locate particular attachments or images, it shall so inform plaintiffs.

2. If plaintiffs subsequently identify other Apple-produced emails or ESI that are

¹ The parties' joint submission refers only to emails, but at the hearing plaintiffs' counsel indicated the problem also extends to other ESI.

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missing attachments or embedded images, and if plaintiffs reasonably require the missing attachments or images in order to prepare for summary judgment, trial, or other proceedings in this case, they may bring those documents to Apple’s attention, and Apple shall promptly search for and produce the missing attachments or images, in the same manner as in paragraph 1 above.

This order is without prejudice to either party seeking the Court’s further assistance with this dispute, should assistance prove necessary, by means of the discovery dispute resolution procedure set forth in the Court’s Standing Order for Civil Cases.

IT IS SO ORDERED.

Dated: November 20, 2018


VIRGINIA K. DEMARCHI
United States Magistrate Judge