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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RAJA KANNAN,
Plaintiff,
v.
APPLE INC.,
Defendant.

Case No. [17-cv-07305-EJD](#) (VKD)

ORDER RE DISCOVERY DISPUTES

Re: Dkt. Nos. 239, 243

The parties have submitted two discovery disputes to the Court. Plaintiff Raja Kannan requests access to documents defendant Apple Inc. produced and designated “Highly Confidential – Attorneys’ Eyes Only” (“AEO”). Dkt. No. 239. Apple moves to compel the deposition of Mr. Kannan’s expert witness, Stanley Stephenson, and Mr. Kannan’s response to Apple’s third request for production of documents. Dkt. No. 243. The Court held a hearing on both disputes on April 28, 2020. Dkt. No. 245. For the reasons explained on the record, the Court orders as follows:

Dkt. No. 239 – Apple’s AEO designations

Apple shall review the documents that it has designated AEO to determine whether such designations can be removed or downgraded to “Confidential” and/or whether the AEO documents may be redacted to enable Mr. Kannan to have access to as much of Apple’s production as possible. In addition, Apple shall consider whether confidential employee-specific information—including comparator ratings, RSU awards, and bonus awards—may be provided to Mr. Kannan in anonymized form. Apple shall also review the deposition transcripts of Apple fact witnesses and the expert reports of both parties to determine whether any portions designated AEO may be redacted or re-designated so that Mr. Kannan may have access to the transcripts and

1 reports.

2 Apple shall advise Mr. Kannan of the results of the above efforts—e.g., which documents
3 will be produced without designations, with modified designations, and/or in redacted or
4 anonymized form—and will re-produce such documents as appropriate no later than **May 8, 2020**.
5 Apple will provide Mr. Kannan with an index (with Bates number, date, and short description) of
6 any documents that remain designated AEO in whole or in part by **May 11, 2020**.

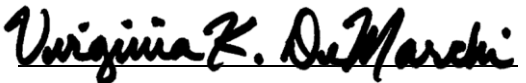
7 The parties shall confer regarding a resolution of their dispute concerning Apple’s AEO
8 designations and shall jointly report to the Court on the status of such resolution by **May 15, 2020**.

9 **Dkt. No. 243 – Motion to compel deposition of plaintiff’s expert**

10 Apple’s motion to compel is denied. Mr. Stephenson is a non-party whose testimony and
11 document production can only be compelled by subpoena. Apple has not served a subpoena on
12 Mr. Stephenson.

13 **IT IS SO ORDERED.**

14 Dated: April 28, 2020

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17 VIRGINIA K. DEMARCHI
18 United States Magistrate Judge

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