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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
6 SAN JOSE DIVISION
7

8 RAJA KANNAN,
9 Plaintiff,

10 v.

11 APPLE INC.,
12 Defendant.

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

**ORDER RE DEFENDANT'S AEO
DESIGNATIONS**

Re: Dkt. No. 239

13
14 The parties ask the Court to resolve their dispute concerning plaintiff Raja Kannan's access
15 to documents and information defendant Apple, Inc. has designated "Highly Confidential –
16 Attorneys' Eyes Only" ("AEO"). Dkt. No. 239. At the Court's direction, the parties conferred
17 further and submitted a status report reflecting their efforts to resolve the dispute. Dkt. No. 249.
18 In addition, at the Court's request, Apple submitted further information regarding how information
19 concerning employee RSU awards and performance bonuses may be expressed. Dkt. No. 259.

20 Having considered the information the parties provided and the arguments made at the
21 hearing on May 22, 2020 (Dkt. No. 254), the Court orders as follows:

22 **1. Documents containing confidential employee-specific information**

23 Apple shall produce a written summary of the following information for the eight Apple
24 employees who reported to Mr. Kotni during the period of time from January 1, 2011 through
25 December 31, 2018 (Dkt. No. 120 at 2):

- 26
- Anonymized employee name
 - 27 • Job level
 - 28 • Promotions

- 1 • Performance ratings (but not self-ratings or peer ratings)
- 2 • Base salary
- 3 • Percentage salary increase
- 4 • RSU award (indicated as none, low, medium, or high¹)
- 5 • Performance bonus (indicated as none, low, medium, or high²)

6 This information shall be provided for each year during the relevant time period described above.

7 Apple must provide this summary to Mr. Kannan no later than **June 3, 2020**.

8 **2. Redaction/Confidential re-designation**

9 In view of Apple’s representations in its papers and during the May 22, 2020 hearing, the
10 Court will not require Apple to redact AEO material and re-produce additional documents with a
11 “Confidential” or no designation, as Mr. Kannan has not stated a specific need for any particular
12 document or information that is not separately addressed by the summary of employee-specific
13 information that Apple will provide in anonymized form.

14 **3. Expert reports**

15 Because the parties’ expert reports reflect the proposed testimony of their respective
16 experts, it is critical that Mr. Kannan have as much access to this information as possible, without
17 unduly compromising the privacy of individual employees. The Court directs Apple to review the
18 parties’ expert reports, in view of the rulings in this order and the Court’s prior orders, to ensure
19 that Apple’s redactions are limited to confidential, employee-specific compensation or personnel
20 information. All other information in the expert reports must be made accessible to Mr. Kannan.
21 Apple shall confirm to the Court that it has complied with this order and shall re-produce the
22 expert reports to Mr. Kannan no later than **June 3, 2020**.

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27 ¹ “Low” represents 1-33% of the maximum amount possible, “medium” represents 34-66% of the
28 maximum amount possible, and “high” represents 67-100% of the maximum amount possible.
See Dkt. No. 259 at 2.

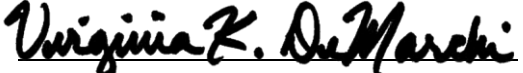
² See supra n.1.

United States District Court
Northern District of California

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IT IS SO ORDERED.

Dated: May 27, 2020


VIRGINIA K. DEMARCHI
United States Magistrate Judge