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 CISCO SYSTEMS, INC.
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8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**

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 11 In re: NON-PARTY DEPOSITION
 SUBPOENA

12 BRIAN FLYNN, GEORGE and KELLY
 13 BROWN; and MICHAEL KEITH, on behalf
 of themselves and all others similarly situated,

14 Movants,

15 vs.

16 CISCO SYSTEMS, INC.
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18 BRIAN FLYNN, GEORGE and KELLY
 19 BROWN; and MICHAEL KEITH

20 Plaintiffs,

21 vs.

22 FCA U.S. LLC f/k/a CHRYSLER GROUP
 23 LLC, Auburn Hills, MI and HARMAN
 INTERNATIONAL INDUSTRIES, INC.,
 Stamford, CT
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25 Defendants.
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Case No. 5:17-mc-80051-SVK

[Pending in the Southern District of Illinois,
 Case No. 3:15-cv-00855 MJR-DGW]

**ORDER DENYING MOVANTS' MOTION
 TO COMPEL NON-PARTY CISCO
 SYSTEMS, INC.'S COMPLIANCE WITH
 SUBPOENA *DUCES TECUM***

1 **ORDER**

2 Before the Court are (1) the Motion to Compel Non-Party Cisco Systems, Inc.’s Compliance
3 With Subpoena *Duces Tecum* (“Motion to Compel”) filed by Movants Brian Flynn, *et al.* (“Flynn”),
4 (2) the Limited Response and Objection to Plaintiffs’ Motion to Compel Directed to Non-Party
5 Cisco Systems, Inc. filed by Defendant FCA U.S. LLC (“FCA,” ” f.k.a. Chrysler), (3) the Opposition
6 to Motion to Compel (“Opposition”) filed by non-party Cisco Systems, Inc. (“Cisco”), and
7 (4) Flynn’s Reply in Further Support of the Motion to Compel. Having considered all papers and
8 evidence offered in support of and in opposition to the motion, and for good cause shown, the Court
9 hereby **DENIES** the Motion to Compel for the reasons set forth below.

10 1. The Motion to Compel is denied on grounds of relevance as defined in Fed. R. Civ.
11 P. 401. The Court is not persuaded that there is a connection between what Cisco may have thought
12 or discussed —strictly internally, and without sharing with FCA—and what is relevant to the
13 remaining claims in the underlying dispute. Flynn’s briefing as to the issue of relevance is
14 conclusory. The blanket assertion, without more, that the documents sought are relevant because
15 they relate to the same subject matter as the underlying dispute fails to satisfy Flynn’s burden as to
16 relevance, nor does it address proportionality as mandated by Fed. R. Civ. P. 26.

17 2. The Court is similarly concerned about the breakdown in the meet and confer process.
18 A focused search, and the use of search terms, would have been appropriate here had the documents
19 sought been relevant.

20 3. The Court declines to reach the issue of costs.

21 Accordingly, it is hereby ORDERED that Flynn’s Motion to Compel is denied.

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24 Dated: 5/23/2017



Hon. Susan van Keulen
United States Magistrate Judge