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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

REGENTS OF THE UNIVERSITY OF
MINNESOTA,

Plaintiff,

v.

LSI CORPORATION, et al.,

Defendants.

Case No. [5:18-cv-00821-EJD](#)

**ORDER DENYING MOTION FOR
RELIEF FROM NONDISPOSITIVE
PRETRIAL ORDER OF MAGISTRATE
JUDGE**

Re: Dkt. No. 287

On October 30, 2023, Magistrate Judge Cousins (“Magistrate Judge”) issued an Order (“Prior Order”) denying Plaintiff Regents of the University of Minnesota (“UMN”)’s requests to compel production of discovery from Defendant LSI Corporation (“LSI”). Order on Discovery Dispute (“Prior Order”), ECF No. 279. UMN now moves this Court to set aside the Magistrate Judge’s Prior Order and grant its requests to compel. Pl.’s Mot. for Relief from Mag. Judge Order (“Mot. for Relief”), ECF No. 287.

A district court may reconsider any pretrial matter referred to a magistrate judge when “the magistrate judge’s order is clearly erroneous or contrary to law.” 28 U.S.C. § 636(b)(1)(A). After carefully reviewing the Magistrate Judge’s Prior Order and UMN’s objections thereto, the Court finds that it is neither clearly erroneous nor contrary to law.

First, the Magistrate Judge did not commit clear error in determining that UMN’s request for deposition transcripts and exhibits and other documents produced by LSI in a companion case, amounting to almost 50,000 documents and totaling nearly a million pages, was not relevant and proportional to the needs of the case. Prior Order 1; Joint Discovery Dispute Letter, ECF No. 267.

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ORDER DEN. MOT. FOR RELIEF FROM MAGISTRATE JUDGE ORDER

1 UMN argues that the Magistrate Judge applied the wrong legal standard. Because the Magistrate
2 Judge noted in the Prior Order that production may be easy, but “easy does not make it necessary,”
3 UMN argues that the Magistrate Judge erroneously applied a standard of “necessity” rather than
4 “relevance.” Mot. for Relief 4; Prior Order 1. However, UMN wholly ignores the sentence
5 immediately prior, where the Magistrate Judge states: “The Court is not persuaded that the
6 information sought is relevant and proportional to the needs of the case under Rule 26.” Prior
7 Order 1. A plain reading of the Prior Order makes clear that the Magistrate Judge correctly
8 applied the Rule 26 relevancy standard.

9 Second, the Magistrate Judge did not commit a clear error in determining that UMN’s
10 request for LSI’s license agreements and testimony from Warren Waskiewicz was not relevant and
11 proportional to the needs of the case. Prior Order 2. UMN again argues that the Magistrate Judge
12 applied the wrong legal standard. Because the Magistrate Judge indicated in his Prior Order that
13 the licenses were “not probative of *Georgia-Pacific* factors,” UMN argues that the Magistrate
14 Judge incorrectly analyzed whether the material sought is admissible rather than whether it is
15 discoverable. Mot. for Relief 4; Prior Order 2. However, just like it did above, UMN wholly
16 ignores the sentence directly prior, where the Magistrate Judge states: “The Court agrees with LSI
17 that the “‘offensive licensing’ information sought from Waskiewicz is not relevant and
18 proportional to the needs of the case under Rule 26.” Prior Order 2. Again here, a plain reading
19 of the Prior Order makes clear that the Magistrate Judge correctly applied the Rule 26 relevancy
20 standard. Further, the Magistrate Judge’s discussion of the *Georgia-Pacific* factors is clearly in
21 response to UMN’s own arguments it presented in its discovery letter. *See* Joint Discovery Letter
22 3.

23 Third, the Magistrate Judge did not commit a clear error in determining that Rule 30(b)(6)
24 testimony as to proposed topic No. 7 was not relevant. Prior Order 2. The Magistrate Judge
25 properly applied the correct legal standard to find that the information sought is irrelevant to the
26 issues of willful infringement and knowledge of the ’601 patent. *Id.*

27 Fourth, the Magistrate Judge did not commit a clear error in determining that UMN failed

1 to meet its showing for additional custodian discovery for emails from LSI 30(b)(6) designee
2 witness Ryan Phillips. *Id.* The Magistrate Judge properly applied the correct legal standard to
3 find that UMN failed to show “a distinct need based on the size, complexity, and issues of this
4 specific case.” *Id.*

5 For the foregoing reasons, the Court **DENIES** UMN’s motion for relief.

6 **IT IS SO ORDERED.**

7 Dated: November 21, 2023



EDWARD J. DAVILA
United States District Judge

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