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28UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIAIN RE GOOGLE ASSISTANT PRIVACY  
LITIGATION.

Case No. 19-cv-04286-BLF (SVK)

**ORDER FOLLOWING OCTOBER 20,  
2022 DISCOVERY HEARING ON  
SAMPLING PLAN**

The Court held a hearing by video on October 20, 2022 concerning the status of the Parties' compliance with its September 16, 2022 Order requiring the Parties to meet and confer to develop a plan for the sampling and production of relevant data. *See* Dkt. 278. As directed by the Court, in addition to counsel, persons with sufficient technical knowledge of the relevant issues attended the hearing on behalf of both sides and provided input. *Id.* For the reasons discussed at the hearing, the Court **ORDERS** as follows:

1. Google will commence forthwith production, on a rolling basis, of sample sets. Production must be completed by the deadline previously set, December 16, 2022. *See id.*
2. Over the 25 quarters that the Parties have agreed are relevant, Google will perform sampling for 8 days per quarter. Plaintiffs will select the days to be sampled.
3. For each sample day, Google will provide the total number of queries for that 24-hour day.
4. Google will provide raw data for a random sample of 0.5% of the queries for each sample day. The random sample will be selected using a tool agreed upon by the Parties.
5. For the set of randomly sampled queries for each sample day, Google will provide (1) the number of queries that did not contain a hot word, (2) the number of queries that were sent to a human reviewer, and (3) the number of queries that were included in a dataset.
6. Google may anonymize the raw data before producing it to Plaintiffs. Because Google has

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not identified a way to automatically parse the preamble from other portions of a query, and because Plaintiffs dispute whether the preamble alone is adequate to determine a “false accept,” Google must turn over the entirety of each sampled query as reflected in the speech logs.

7. To ensure that progress is being made pursuant to this Order, Google will provide status reports to the Court on November 10, December 1 and December 15, 2022 on the progress of sampling and the rolling production.

**SO ORDERED.**

Dated: October 20, 2022



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SUSAN VAN KEULEN  
United States Magistrate Judge