

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CARL BARRETT, et al.,
Plaintiffs,
v.
APPLE INC., et al.,
Defendants.

Case No. [20-cv-04812-EJD](#) (VKD)

**ORDER RE FURTHER
PROCEEDINGS RE DISCOVERY
DISPUTES**

Re: Dkt. Nos. 138, 141, 143, 145

On March 28, 2023, the Court held a hearing on four discovery-related disputes (Dkt. Nos. 138, 141, 144, and 145). Dkt. No. 158. As discussed at the hearing, the Court directs that the parties confer further regarding the following matters:

1. With respect to Dkt. No. 138, the Court is inclined to permit plaintiffs to exceed the 25-interrogatory limit of Rule 33(a), so long as the interrogatories seek information that is relevant and proportional to the needs of the case. For this reason, the parties must confer regarding:
 - (1) which interrogatories seek information that plaintiffs require in order to prepare their motion for class certification (“priority interrogatories”), and which can be addressed at a later time;
 - (2) what objections, if any, defendants have to the priority interrogatories; (3) whether any of the priority interrogatories can be answered satisfactorily by reference to documents or data, pursuant to Rule 33(d); and (4) a date by which defendants will answer the priority interrogatories. The parties may discuss any other matters related to this dispute that they believe will aid its resolution.
2. With respect to Dkt. No. 141, the parties must confer regarding the categories of information plaintiffs seek and what data sources defendants maintain that contain that

1 information. The Court expects the parties to comply with section 7 of the ESI Stipulation and
2 Order (Dkt. No. 72). Plaintiffs should be prepared to identify any data items or fields they believe
3 are missing from defendants' production and why they believe they are missing, and defendants
4 should be prepared to explain the data items or fields that defendants maintain and, if necessary,
5 why the data items or fields plaintiffs believe are missing are not available. The parties may
6 discuss any other matters related to this dispute that they believe will aid its resolution.

7 3. With respect to Dkt. No. 143, the parties must confer regarding the data fields
8 defendants maintain regarding requests for information from law enforcement and defendants'
9 responses thereto, subject to defendants' claims of privilege or protection. Defendants shall
10 investigate whether and to what extent law enforcement requests or defendants' responses thereto
11 are used by defendants for any purpose relevant to the claims or defenses in this action, such as to
12 identify suspicious gift card purchases or redemptions. The parties may discuss any other matters
13 related to this dispute that they believe will aid its resolution.


14 4. With respect to Dkt. No. 145, the Court does not require the parties to confer
15 further, although they may do so if they wish.

16 The parties shall advise the Court by **March 31, 2023** of a date by which they will be
17 prepared to report back to the Court regarding the status of these discovery disputes and what
18 disputes, if any, remain that require resolution by the Court.

19 **IT IS SO ORDERED.**

20 Dated: March 29, 2023

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VIRGINIA K. DEMARCHI
United States Magistrate Judge