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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
6 SAN JOSE DIVISION
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8 JOSEPH TAYLOR, et al.,
9 Plaintiffs,
10 v.
11 GOOGLE LLC,
12 Defendant.

Case No. [20-cv-07956-VKD](#)

**ORDER RE NOVEMBER 14, 2024
DISCOVERY DISPUTE RE BOYER
EXPERIMENT DOCUMENTS**

Re: Dkt. No. 135

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14 On November 19, 2024, the Court held a hearing on the parties' November 14, 2024
15 discovery dispute letter. The letter concerns Google production document, GOOG-CSUPO-
16 00055460, which was used in the deposition of Google employee Garry Boyer as Exhibit 12.

17 The November 14, 2024 letter addresses two issues: (1) whether an "experiment" that is
18 hyperlinked in Boyer Exhibit 12 is protected from disclosure by the attorney-client privilege
19 and/or the attorney work product doctrine, as Google contends; and (2) whether Google should be
20 required to produce the "underlying data" for certain charts excerpted in Boyer Exhibit 12.¹

21 For the reasons explained at the hearing, the Court cannot resolve the privilege/work
22 product dispute on the record presented, and thus plaintiffs' request for order requiring Google to
23 produce the experiment is denied without prejudice. Plaintiffs may file a motion to compel
24 production of the experiment as a regularly noticed motion pursuant to Civil Local Rule 7-2.

25 With respect to the underlying data for the charts shown in Boyer Exhibit 12, plaintiffs
26 have not shown that they are entitled to production of this data (or to have Google search now for

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28 ¹ The parties clarified during the hearing that the "underlying data" is unrelated to the
"experiment."

1 this data), in view of the production of data that Google has already made in response to plaintiffs’
2 document requests, as described at pages 8-9 in Google’s portion of the November 14, 2024 letter.
3 Plaintiffs do not acknowledge or address these arguments in their portion of the letter. When
4 pressed on this point at the hearing, plaintiffs referred vaguely to a concern that Google’s prior
5 production of data was “selective” or otherwise incomplete. However, plaintiffs do not make any
6 such argument in the November 14, 2024 letter, and the Court will not entertain this undeveloped
7 argument made for the first time at the hearing. Accordingly, plaintiffs’ request for production of
8 the “underlying data” for the charts shown in Boyer Exhibit 12 is denied.

9 **IT IS SO ORDERED.**

10 Dated: November 22, 2024

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13 Virginia K. DeMarchi
14 United States Magistrate Judge
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