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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MAXIMILIAN KLEIN, et al.,
Plaintiffs,
v.
FACEBOOK, INC.,
Defendant.

Case No. [20-cv-08570-LHK](#) (VKD)

INTERIM DISCOVERY ORDER

The parties have submitted several discovery disputes for resolution to the Court. Dkt. Nos. 132-135. As discussed during the hearing on these disputes on August 31, 2021, the Court believes the parties should confer further regarding certain matters and then advise the Court regarding any disputes that remain. Accordingly, the Court orders as follows:

1. Dkt. No. 132 (Deposition Protocol): The parties must confer further regarding (a) a realistic estimate of the number of Facebook employees who will provide relevant, non-duplicative testimony; (b) how the parties will count Rule 30(b)(6) depositions, including in circumstances where a corporate designee will also testify as an individual; and (c) the utility of a total hours cap for individual and/or Rule 30(b)(6) deposition testimony. Following this further conference, the parties jointly shall advise the Court of any agreements they have reached regarding the number and duration of depositions and shall also advise of any disputes that remain. The further joint submission is due **September 15, 2021**, unless the parties agree otherwise.

2. Dkt. No. 133 (ESI Protocol): The parties must confer further regarding the data sources that need not be preserved, collected, reviewed and/or produced because they are not

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reasonably accessible. *See* Dkt. No. 133-1 at 3 (sec. 4.e.). Following this further conference, the parties jointly shall advise the Court of any agreements they have reached regarding this portion of the proposed ESI protocol. If disputes remain, the parties shall file a joint submission that explains why a particular data source should or should not be considered reasonably accessible and why documents or information from that data source should or should not be preserved, collected, reviewed and/or produced. The further joint submission is due **September 29, 2021**, unless the parties agree otherwise.

3. Dkt. No. 135 (Privilege Logs): Unless the parties agree otherwise, the Court will require them to exchange two interim privilege logs and one final privilege log during the course of fact discovery. The parties shall confer regarding the dates for exchange of these logs and shall advise the Court of their agreement by **September 10, 2021**. If the parties cannot agree, the Court will set the dates for exchange.

IT IS SO ORDERED.

Dated: September 3, 2021


VIRGINIA K. DEMARCHI
United States Magistrate Judge