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UNITED STATE DISTRICT COURT
DISTRICT OF NEVADA

ORACLE USA, INC.; a Colorado corporation; ORACLE AMERICA, INC.; a Delaware corporation; and ORACLE INTERNATIONAL CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation; and SETH RAVIN, an individual,

Defendants.

CASE NO. 2:10-CV-0106-LRH-VCF

**JOINT ORDER REGARDING
POST INJUNCTION CUSTODIAL
DISCOVERY**

1 **[PROPOSED] ORDER**

2 Pending before this Court is Oracle’s Motion To Compel Re Post-Injunction Requests For
3 Production (ECF No. 1237). Having considered the Parties’ respective positions therein,
4 including at the hearing conducted on September 3, 2019, and good cause existing:

5 **IT IS HEREBY ORDERED:**

- 6 1. Oracle’s Motion To Compel Re Post-Injunction Requests For Production (ECF No. 1237)
7 is **GRANTED in part and DENIED in part.**
- 8 2. By September 6, 2019, Oracle must provide Rimini with 10 custodians and 120 search
9 terms, which Rimini must use for its custodial productions. Oracle shall have complete
10 discretion in selecting the custodians and search terms.
- 11 3. By September 16, 2019, Rimini must make its first weekly rolling production of non-
12 privileged custodial documents. Rimini must continue to produce non-privileged custodial
13 documents on a rolling basis every seven days thereafter.
- 14 4. The deadlines for discovery, initial expert disclosure, rebuttal expert disclosure, and
15 Oracle’s filing of a motion for order to show cause set forth in this Court’s June 21, 2019
16 Order (Dkt. 1232) are **VACATED**, and this Court will conduct a status conference on
17 October 7, 2019, at 1:00 p.m.
- 18 5. If requested by Oracle, Rimini must, to the best of its ability, review and produce
19 documents by custodian in the order specified by Oracle.
- 20 6. For each weekly production and (if any) each weekly privilege log, counsel of record for
21 Rimini must certify in writing pursuant to Federal Rule of Civil Procedure 26(g)(1)(a):
- 22 a. The number of unique documents reviewed for the production. Two documents are
23 “unique” for purposes of this Order if the documents are identified as non-identical
24 by Rimini’s vendor after application of a reasonable de-duping algorithm;
 - 25 b. The number of unique documents listed on the privilege log, if any;
 - 26 c. The number of attorney hours expended on the production (including hours
27 expended reviewing for privilege and compiling a privilege log); and
 - 28 d. The actual amount of fees and costs to be paid by Rimini for the production.
- 29 7. Rimini is responsible for its fees and costs for the first 100,000 unique documents
30 produced or logged as privileged (and fully withheld on grounds of privilege); Oracle and
31 Rimini will share reasonable fees and costs equally for the next 200,000 unique
32 documents produced or logged as privileged (and fully withheld on grounds of privilege),
33 if applicable; and Oracle will promptly reimburse Rimini’s reasonable fees and costs for
34 evenly

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all subsequent unique documents produced or logged as privileged (and fully withheld on grounds of privilege), *i.e.*, document 300,001 and beyond, if applicable.

- 8. Privilege logs for each weekly production must be served within 21 days of the production to which they relate.
- 9. By no later than October 4, 2019 (in advance of the October 7, 2019 status conference), Rimini shall file with the Court its first three custodial production certifications described in Paragraph 6 above.

<p>MORGAN, LEWIS, & BOCKIUS LLP</p> <p>By: <u> /s/ John A. Polito </u> John A. Polito Attorneys for Plaintiffs Oracle USA, Inc., Oracle America, Inc. and Oracle International Corporation</p>	<p>GIBSON, DUNN & CRUTCHER LLP</p> <p>By: <u> /s/ Eric D. Vandavelde </u> Eric D. Vandavelde Attorneys for Attorneys for Defendants Rimini Street, Inc. and Seth Ravin.</p>
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IT IS SO ORDERED.

DATED September 6, _____, 2019

By: 

Hon. Cam Ferenbach
United States Magistrate Judge

ATTESTATION OF FILER

The signatories to this document are Eric D. Vandavelde and me, and I have obtained Mr. Vandavelde’s concurrence to file this document on his behalf.

Dated: September 5, 2019

MORGAN, LEWIS & BOCKIUS LLP

By: /s/ John A. Polito
 John A. Polito

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