

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 KATHERINE MOUSSOURIS, et al.,

CASE NO. C15-1483JLR

11 Plaintiffs,

ORDER

12 v.

13 MICROSOFT CORPORATION,

14 Defendant.

15 Before the court is the parties' joint submission regarding the class briefing
16 schedule and Defendant Microsoft's privilege logs. (Joint Subm. (Dkt. # 106).) Having
17 considered the submission, the appropriate portions of the record, and the relevant law,
18 the court ADOPTS the parties' proposed class briefing schedule, EXTENDS the deadline
19 for the parties to resolve or submit to the court any privilege log dispute, ORDERS the
20 parties to continue their efforts to agree on the form of a privilege log through
21 meet-and-confers, and CLARIFIES its August 3, 2016, order (8/3/16 Order (Dkt. # 101))
22 as stated below.

1 The parties first jointly propose a class certification briefing schedule. (Joint
2 Subm. at 1.) Based on the agreement between the parties, the court ADOPTS that
3 schedule and ORDERS that briefing on class certification and issues involving expert
4 testimony proceeds as follows:

Date	Event
Friday, January 13, 2017	Plaintiffs' motion, plaintiffs' expert report(s), and data output from experts.
Thursday, March 16, 2017	Defendant's opposition brief, expert report(s), and data output from experts.
Friday, April 21, 2017	Plaintiffs' reply brief and rebuttal expert report(s).
Friday, May 5, 2017	Motions to exclude experts (both parties).
Friday, May 19, 2017	Oppositions to motions to exclude experts (both parties).
Friday, May 26, 2017	Replies to motions to exclude experts (both parties).

5
6
7
8
9
10
11
12 (See Joint Subm. at 1.) The court also increases the page limits to 50 pages for the
13 motion and opposition brief and 25 pages for the reply brief. (*Id.*)

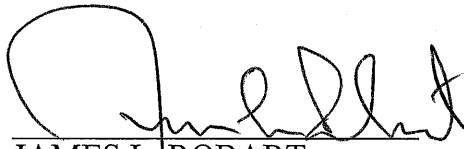
14 Second, the parties indicate that they have largely agreed on a format for
15 Microsoft's privilege log. (Joint Subm. at 1-2.) To the extent the parties have not
16 reached agreement, the parties have scheduled further meet and confers for this week.

17 (*Id.* at 11.) Accordingly, the court EXTENDS until September 2, 2016, the deadline for
18 the parties to either reach agreement on the form of the privilege log or submit proposed
19 written language as to the form of the log to the court. In the interim, the court ORDERS
20 the parties to continue their efforts to resolve the remaining issues by meeting and
21 conferring.
22

1 Third, the parties request clarification regarding the court's ruling at the August 2,
2 2016, hearing and the court's August 3, 2016, order memorializing its oral rulings. (*Id.* at
3 2-10.) At the hearing, the court overruled Microsoft's objection to producing materials
4 responsive to Plaintiffs' request for production 10. (8/3/16 Order at 2.) Plaintiffs
5 understand that ruling to encompass not just the final product of Microsoft's internal
6 audits and analyses, but also the underlying data and correspondence thereto. (Joint
7 Subm. at 2-10.) Microsoft understands the court's ruling to encompass only the final
8 internal audits and analyses that Microsoft produced. (*Id.* at 10.) Plaintiffs correctly
9 understand the court's ruling. To the extent the documents are not privileged, Microsoft
10 must produce the data and correspondence underlying their internal audits and analyses
11 because those documents are "documents or correspondence related to" the audits and
12 analyses—as requested in request for production 10. (*See* 8/3/16 Order at 2.)

13 Finally, the court cautions the parties that it may deny as improperly presented any
14 further request for relief contained in a filing other than a motion, unless the court gives
15 prior approval to present the request in a particular fashion.

16 Dated this ²⁰23 day of August, 2016.

17
18 
19 JAMES L. ROBART
20 United States District Judge
21
22