

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re Sandisk SSDs Litigation

In re Sandisk SSDs Litigation · No. 23-cv-04152-RFL (LJC) · Decided April 21, 2025

SUMMARY

The United States District Court for the Northern District of California struck the parties’ joint discovery letter for exceeding the Court’s five-page limit. The Court permitted the parties to submit a revised joint letter of up to eight pages concerning Plaintiffs’ proposed deposition of SanDisk LLC CEO David Goeckeler, with supporting declarations and evidence, and provided guidance regarding the apex doctrine, evidentiary support, and any document-production request.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Lisa J. Cisneros
JURISDICTION	United States District Court for the Northern District of California
DECIDED	April 21, 2025
DOCKET	23-cv-04152-RFL (LJC)
DISPOSITION	other
PROCEDURAL POSTURE	The court sua sponte struck the parties' joint discovery letter for exceeding the five-page limit in the court's Standing Order and provided instructions for filing a compliant replacement letter if the discovery dispute could not be resolved.
PRECEDENTIAL VALUE	Unknown

TOPICS

- discovery dispute
- civil procedure
- evidence

PRACTICE AREAS

- civil procedure
- commercial litigation
- discovery

QUESTIONS PRESENTED

1. Whether the parties' joint discovery letter should be stricken for exceeding the five-page limit in the court's Standing Order.
2. What procedural and evidentiary requirements should govern any renewed request to depose SanDisk LLC's CEO.

HOLDINGS

1. The court struck the parties' joint discovery letter sua sponte because it exceeded the five-page limit stated in the court's Standing Order.
2. If the parties could not resolve the dispute, they could file a joint letter of no more than eight pages, excluding signatures, by April 30, 2025, attaching relevant declarations and evidence.

KEY QUOTATIONS

“The parties’ joint discovery letter filed April 21, 2025 (ECF No. 149) is STRICKEN sua sponte for failure to comply with the five-page limit stated in this Court’s Standing Order.” (at 1)

“If the parties are not able to resolve this dispute, they may file a joint letter not exceeding eight pages (exclusive of signatures) no later than April 30, 2025, attaching any declarations and evidence they believe to be relevant.” (at 1)

FACTUAL BACKGROUND

Plaintiffs sought to depose SanDisk LLC CEO David Goeckeler in connection with the events at issue in the litigation. The court observed that the evidentiary record appeared to contain little direct evidence of Goeckeler's involvement or relevant knowledge, while noting that deposing the chief executive of a large company ordinarily imposes a substantial burden. The court also questioned whether plaintiffs' deposition notice sought document production, after previously denying as untimely plaintiffs' request to add Goeckeler as a document custodian.

PROCEDURAL HISTORY

The parties filed a joint discovery letter concerning whether plaintiffs should be permitted to depose SanDisk LLC's CEO, David Goeckeler. The court struck the letter because it exceeded the applicable page limit, preliminarily determined that supporting evidence would likely be necessary, and authorized a new joint letter of up to eight pages if the dispute remained unresolved.

DISPOSITION

other

CASES CITED

- In re Uber Techs., Inc., Passenger Sexual Assault Litig., No. 23-md-03084-CRB (LJC), 2025 WL 896412 (N.D. Cal. Mar. 24, 2025)

OPINION

In re Sandisk SSDS Litigation

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 In re SANDISK SSDs LITIGATION. Case No. 23-cv-04152-RFL (LJC) 8

ORDER STRIKING JOINT LETTER

9 Re: Dkt. No. 149 10 11 12 13 The parties' joint discovery letter filed April 21, 2025 (ECF No. 149) is STRICKEN sua 14 sponte for failure to comply with the five-page limit stated in this Court's Standing Order. Based 15 on a preliminary review of the arguments stated in the now-stricken letter, the Court also finds that 16 supporting evidence is likely necessary to resolve the dispute as to whether Plaintiffs should be 17 permitted to depose Defendant SanDisk LLC's CEO David Goeckeler, and that a slight increase in 18 the default page limit is appropriate to allow the parties to address that evidence. If the parties are 19 not able to resolve this dispute, they may file a joint letter not exceeding eight pages (exclusive of 20 signatures) no later than April 30, 2025, attaching any declarations¹ and evidence they believe to 21 be relevant. 22 The Court offers the following guidance to assist the parties in providing useful argument 23 or potentially resolving this issue among themselves: 24 First, this Court does not take a formalistic approach to the "apex doctrine" imposing strict 25 requirements of exhaustion or unique knowledge before such a deposition will be permitted, 26 although such considerations may be relevant factors. See generally In re Uber Techs., Inc., 27 1 Passenger Sexual Assault Litig., No. 23-md-03084-CRB (LJC), 2025 WL 896412 (N.D. Cal. Mar. 2 || 24, 2025). The Court recognizes that in typical, ordinary circumstances deposing a large 3 company's chief executive imposes a substantial burden. 4 Second, Plaintiffs' description of the evidentiary record in the now-stricken joint letter 5 suggests that, with mere weeks remaining before the close of fact discovery, there is very little 6 || direct evidence of Goeckeler's involvement in the events at issue. The Court is unlikely to permit 7 || this deposition to go forward based on mere speculation of Goeckeler's possible involvement or 8 || relevant knowledge. 9 Third, it is not clear whether Plaintiffs deposition notice seeks production of documents, 10 || but if so, the Court is not inclined to permit such a request after having previously denied as 11 untimely Plaintiffs' request to add Goeckeler as a document custodian. See ECF No. 122. IT IS SO ORDERED. 13 || Dated: April 21, 2025 El: 15 Los, | Merr-y—

A J. CISNEROS

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