

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

OPINION

In re Sandisk SSDs Litigation

PER CURIAM.

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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-
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A J. CISNEROS

= 16 ited States Magistrate Judge 18 19 20 21 22 23 24 25 26 27 28

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