

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Epidemic Sound, AB v. Meta Platforms, Inc.

Epidemic Sound · No. 22-cv-04223-JSC · Decided October 28, 2025

SUMMARY

The United States District Court for the Northern District of California partially denied Epidemic Sound’s motion to reopen discovery in connection with purportedly privileged communications involving Meta and third-party distributor-indemnitors. The court ordered Meta to produce a privilege log for certain relevant communications by November 20, 2025, denied Meta’s motion to seal portions of its opposition and an exhibit, and denied Meta’s request for fees.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Jacqueline Scott Corley
JURISDICTION	United States District Court for the Northern District of California
DECIDED	October 28, 2025
DOCKET	22-cv-04223-JSC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to reopen fact discovery to compel production and logging of documents allegedly withheld under the common-interest doctrine and attorney work-product protection. The court also ruled on administrative motions to seal and a request for fees.
STANDARD OF REVIEW	The court applied the terms of the parties' ESI Order and evaluated whether the requested discovery and privilege treatment were supported by the record; no separately stated standard of review appears.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation.

TOPICS

- discovery dispute
- work product doctrine
- civil procedure
- commercial litigation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether fact discovery should be reopened to require Meta to produce or log communications withheld under the common-interest doctrine or attorney work-product protection.
2. Whether Meta's communications with a third-party indemnitor's counsel were properly redacted as attorney work product.
3. Whether Meta's opposition and Exhibit M should be sealed.
4. Whether Meta was entitled to attorney fees.

HOLDINGS

1. Discovery should not be reopened generally because Meta showed that the relevant post-cutoff communications had been produced in redacted form and were properly protected as attorney work product.
2. The sharing of the communications with the third-party indemnitor's counsel did not waive work-product protection where the common-interest doctrine applied.
3. Meta had to produce, by November 20, 2025, a log of any pre-April 30, 2025 communications relevant to the recently produced communications that it was withholding as privileged.
4. Meta's motion to seal the highlighted portions of its opposition and Exhibit M was denied because its declaration did not connect the requested redactions to confidential information and Exhibit M was a public court transcript.

KEY QUOTATIONS

“The common interest doctrine is not a privilege in and of itself, but rather serves as an exception to waiver of the . . . attorney work product privilege.” (at 1)

“If Meta uses the Recently Produced Communications at trial, or on summary judgment, fairness requires Epidemic to at least be on notice whether Meta had post-complaint communications with those same parties and is withholding the same as privileged.” (at 2)

FACTUAL BACKGROUND

Epidemic sought post-April 30, 2025 communications concerning communications the court had recently ordered Epidemic to produce. Meta represented that it had produced redacted versions of the only relevant post-cutoff communications, consisting of an email thread between Meta's counsel and counsel for a third-party distributor-indemnitor, and that it had searched for responsive communications with non-indemnitor third parties. The parties' ESI Order permitted them not to log post-complaint communications involving counsel's work product. The court found it unclear whether Meta was withholding certain pre-cutoff communications involving persons or entities identified in the recently produced communications.

PROCEDURAL HISTORY

The case was pending in the Northern District of California after the April 30, 2025 fact-discovery cutoff. Epidemic moved to reopen discovery in connection with communications that the court had previously ordered Epidemic to produce. Meta opposed and filed administrative sealing motions. The court denied reopening discovery in general, ordered a limited privilege log, denied Meta's sealing motion, granted limited sealing for Epidemic's designated information, and denied Meta's request for fees.

DISPOSITION

other

CASES CITED

- In re Grand Jury Subpoena, 357 F.3d 900
- Callwave Commc'ns, LLC v. Wavemarket, Inc., No. C 14-80112 JSW (LB), 2015 WL 831539, at *4 (N.D. Cal. Feb. 23, 2015)