

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Andrew Forrest v. Meta Platforms, Inc.

Forrest v. Meta · No. 22-cv-03699-PCP (VKD) · Decided December 5, 2025

SUMMARY

The United States District Court for the Northern District of California resolves a discovery dispute concerning Andrew Forrest’s request to serve 77 requests for admission on Meta Platforms, Inc. after the deadline for first-phase fact discovery. The court finds that Forrest did not establish good cause or diligence for most of the requests, but permits requests for admission 6 through 17 because they concerned data sources disclosed shortly before the discovery deadline. The permitted requests are deemed served as of December 5, 2025, and Meta must respond under Federal Rule of Civil Procedure 36.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Virginia K. DeMarchi
JURISDICTION	United States District Court for the Northern District of California
DECIDED	December 5, 2025
DOCKET	22-cv-03699-PCP (VKD)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought leave to serve 77 requests for admission after the deadline for completing first-phase fact discovery.
STANDARD OF REVIEW	Whether good cause exists to modify a discovery deadline, principally assessed by examining the requesting party's diligence.
PRECEDENTIAL VALUE	Unknown; discovery order from a federal district court.
PARTIES	Andrew Forrest v. Meta Platforms, Inc.

TOPICS

- discovery dispute
- civil procedure
- commercial litigation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether plaintiff established good cause and diligence sufficient to modify the discovery deadline and serve requests for admission after the close of first-phase discovery.
2. Whether requests for admission concerning recently produced and explained data sources should be permitted despite the discovery deadline.

HOLDINGS

1. Plaintiff failed to establish good cause because most of the requests did not depend on information disclosed near the discovery deadline and plaintiff did not explain why they could not have been served earlier.
2. The court permitted plaintiff to obtain responses to requests for admission 6 through 17 because those requests concerned specific data sources that Meta produced and explained only a few weeks before the discovery deadline.

KEY QUOTATIONS

“But “helpfulness” does not satisfy the good cause standard which requires Dr. Forrest to show that he was diligent in seeking these admissions before the scheduling deadline.” (at 2)

“As nothing prevented Dr. Forrest from timely serving most of the 77 RFAs, he has not established diligence.” (at 2)

“Accordingly, the Court will permit Dr. Forrest to obtain Meta’s responses to RFAs 6-17.” (at 3)

FACTUAL BACKGROUND

The court had limited discovery to a first phase concerning facts relevant to Meta's section 230 immunity defense, including the tools and processes applied to allegedly fraudulent advertisements. That discovery closed on October 29, 2025, except for specified supplemental investigation and production. Plaintiff sought to serve 77 requests for admission concerning Meta's ad tools, preservation failures, discovery misconduct, and previously produced data and documents. Some requests concerned data sources Meta had produced and explained only a few weeks before the deadline, while most concerned information available earlier.

PROCEDURAL HISTORY

The action was pending in the Northern District of California with discovery limited to facts concerning Meta's section 230 immunity defense. First-phase discovery closed on October 29, 2025, subject to limited completion of investigation and production relating to specified prior discovery orders. Plaintiff then asked the magistrate judge to permit service of 77 belated requests for admission; the court denied the request as to most requests but allowed requests 6 through 17.

DISPOSITION

other

CASES CITED

- Ctr. for Auto Safety v. Chrysler Group, LLC, 809 F.3d 1092, 1098-99 (9th Cir.), cert. denied sub nom FCA U.S. LLC v. Ctr. for Auto Safety, 580 U.S. 815 (2016)
- Kamakana v. City & Cnty. of Honolulu, 447 F.3d 1172, 1179-80 (9th Cir. 2006)
- Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609-10 (9th Cir.)
- Lawson v. BMW of N. Am. LLC, No. 21-cv-02063-BLF, 2023 WL 6165697, at *2 (N.D. Cal. Sept. 20, 2023)

OPINION

Forrest

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 SAN JOSE DIVISION

7 8 ANDREW FORREST, Case No. 22-cv-03699-PCP (VKD) 9 Plaintiff,

ORDER RE NOVEMBER 24, 2025

10 v. DISCOVERY DISPUTE RE

PLAINTIFF'S REQUEST TO SERVE

11 META PLATFORMS, INC., RFAS

12 Defendant. Re: Dkt. No. 293 13 14 Plaintiff Andrew Forrest and defendant Meta Platforms, Inc. (“Meta”) ask the Court to 15 resolve their dispute concerning whether Dr. Forrest should be permitted to serve requests for 16 admissions (“RFAs”) on Meta after the deadline to complete “first phase” fact discovery.¹ Dkt.

17 No. 293. The Court finds this dispute suitable for resolution without oral argument.² Civil L.R. 7-

18 1(b). 19 At present, discovery in this action is limited to a “first phase” of discovery directed to 20 facts bearing on Meta’s section 230 immunity defense. See Dkt. No. 172 at 1; Dkt. No. 213 at 2; 21 Dkt. No. 273 at 1. This discovery specifically includes for each Scam Ad at issue, information 22 23 1 See Dkt. No. 287 at ECF 3. 24 2 Mr. Forrest moves to seal portions of discovery dispute letter and exhibits (Dkt. Nos. 293, 293-1) on the ground that Meta claims the contents are confidential. Dkt. No. 294. Meta agrees 25 regarding the specific portions of the discovery dispute letter and exhibits proposed to be sealed. Dkt. No. 297. As Mr. Forrest’s sealing motion relates to a discovery matter, the good cause 26 standard applies. Ctr. for Auto Safety v. Chrysler Group, LLC, 809 F.3d 1092, 1098-99 (9th Cir.), cert. denied sub nom FCA U.S. LLC v. Ctr. for Auto Safety, 580 U.S. 815 (2016); Kamakana v. 27 City & Cnty. of Honolulu, 447 F.3d

1172, 1179- 80 (9th Cir. 2006). Good cause appearing, the 1 about what tools or processes were applied to the ad, and what those tools or processes did to the 2 ad between “input” and “output.” The Court has issued several orders resolving the parties’ 3 disputes about what discovery properly falls within the scope of the “first phase.” See, e.g., Dkt.

4 Nos. 192, 213, 257, 259, 276, 289. Discovery relating to this “first phase” closed on October 29, 5 2025, except for the “completion of investigation and production regarding the matters addressed” 6 in the Court’s orders at Dkt. Nos. 284, 276, and 273. See Dkt. No. 287. These orders concern 7 Meta’s investigation of and production from its relevant data sources, and Dr. Forrest’s disclosure 8 of a privilege log that complies with Rule 26(b)(5) and the ESI order. 9 Dr. Forrest now asks for leave to serve 77 RFAs on Meta after the close of “first phase” 10 discovery.³ Dkt. No. 293 at 2, 3; Dkt. No. 293-1. He describes these RFAs as “directed at 11 recently disclosed preservation failures and technical topics going to the heart of Meta’s material 12 contribution defense, which will aid the Court in understanding how Meta’s ad tools work and 13 how Meta’s preservation failures should impact its consideration of material facts.” Dkt. No. 293 14 at 1. He claims these RFAs serve two purposes: First, Meta’s admissions will “confirm [its] 15 spoliation of evidence,” and will assist Dr. Forrest in demonstrating how Meta’s “discovery 16 misconduct” has prejudiced Dr. Forrest’s ability to oppose Meta’s section 230 immunity defense, 17 and in briefing his anticipated request for sanctions. *Id.* at 3. Second, Meta’s admissions will 18 “assist the Court in distilling material facts from a voluminous and complex record” that includes 19 16 terabytes of data and hundreds of technical documents. *Id.* Dr. Forrest argues that his RFAs 20 should be considered timely served because Meta did not comply with its own discovery 21 obligations, and so he could not have served his RFAs earlier. *Id.* at 3-4. 22 Meta argues that Dr. Forrest has not established good cause to serve belated RFAs. *Id.* at 23 4. It argues that all of Dr. Forrest’s RFAs could have been served before the October 29, 2025 24 deadline, and that his ability and obligation to do so are independent of any discovery conduct by 25 Meta. *Id.* at 5-6. 26 Because Dr. Forrest seeks to obtain answers to RFAs served after the “first phase” 27 1 discovery deadline, he must establish “good cause” to do so. See Civil L.R. 37-3 (“Discovery 2 requests that call for responses or depositions after the applicable discovery cut-off are not 3 enforceable, except by order of the Court for good cause shown.”); Fed. R. Civ. P. 16(b)(4) (“A 4 schedule may be modified only for good cause and with the judge’s consent.”). In assessing 5 whether there is good cause to modify a scheduling deadline, courts principally consider whether a 6 party has demonstrated diligence. See *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609- 7 10 (9th Cir. 1992); *Lawson v. BMW of N. Am. LLC*, No. 21-cv-02063-BLF, 2023 WL 6165697, at 8 *2 (N.D. Cal. Sept. 20, 2023). 9 Dr. Forrest consigns his discussion of “good cause” to a footnote in the joint discovery 10 dispute letter. Dkt. No. 293 at 3 n.3. Nevertheless, the Court has reviewed Dr. Forrest’s 77 RFAs 11 and has fully considered his explanation for why he believes he should be permitted to obtain 12 answers to them. As Dr. Forrest concedes, many of his RFAs ask Meta to admit facts about “the 13 capabilities of [the] tools and processes” applied to the Scam Ads. See

id. at 3 (Dr. Forrest citing 14 RFAs 39, 42, 46, 54, 57, 60, 64, 71, 74). Others ask for admissions about Meta’s own actions 15 with respect to the Scam Ads, or the contents of data sources and documents it produced earlier in 16 the discovery period. See, e.g., Dkt. No. 293-1 (RFAs 1-5, 18, 21-24, 30, 31-77). These RFAs do 17 not reference or depend on any information belatedly disclosed by Meta at or near the October 29, 18 2025 deadline. See Dkt. No. 293 at 5-6 (discussing specific RFAs). Dr. Forrest does not explain 19 why he could not have served them earlier, and he does not respond to Meta’s RFA-specific 20 arguments. Instead, he argues that having Meta’s admissions to these RFAs would be helpful for 21 him and/or the Court. But “helpfulness” does not satisfy the good cause standard which requires 22 Dr. Forrest to show that he was diligent in seeking these admissions before the scheduling 23 deadline. He cannot simply “reserve the right” to serve RFAs after the deadline has passed. As 24 nothing prevented Dr. Forrest from timely serving most of the 77 RFAs, he has not established 25 diligence. 26 There are a few exceptions. As Meta concedes, some of Dr. Forrest’s RFAs are directed to 27 specific data sources that Meta produced and explained only a few weeks before the October 29, 1 additional discovery about these data sources. Accordingly, the Court will permit Dr. Forrest to 2 || obtain Meta’s responses to RFAs 6-17. These RFAs are deemed served as of the date of this 3 order. Meta shall serve written responses in compliance with Rule 36. 4 IT IS SO ORDERED. 5 Dated: December 5, 2025 6 7 nrsuia Z Win, Au Man ele. Virginia K. DeMarchi 8 United States Magistrate Judge 9 10 11 12 13 © 15 16 = 17 Z 18 19 20 21 22 23 24 25 26 27 28