

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 June 23, 2025

SUMMARY

The Northern District of California orders in camera review of eight documents involved in remaining privilege disputes in the litigation. The court directs the defendants to submit the documents by June 30, 2025, and permits each party to submit a letter brief or declarations addressing privilege, including whether California privilege law applies.

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               | June 23, 2025                                                                                              |
| DOCKET                | 23-cv-04152-RFL (LJC)                                                                                      |
| DISPOSITION           | other                                                                                                      |
| PROCEDURAL POSTURE    | Order resolving the parties' remaining disputes over Defendants' assertions of privilege during discovery. |
| PRECEDENTIAL VALUE    | Unpublished, nonprecedential district court order                                                          |
| PARTIES               | Plaintiffs v. Defendants                                                                                   |

TOPICS

privilege attorney client privilege discovery dispute evidence civil procedure

PRACTICE AREAS

civil procedure discovery evidence commercial litigation

QUESTIONS PRESENTED

- Whether the court should conduct in camera review of the eight documents or related document collections remaining in dispute over Defendants' privilege assertions.
- What law governs privilege if a party disputes that California law applies to the privilege issues.

## HOLDINGS

1. The court ordered in camera review of the eight disputed documents or related document collections because review of the limited set would be the most efficient way to resolve the remaining privilege disputes and Defendants did not object.
2. If a party disputes that California law governs privilege, that party must address the issue in a letter brief; under Federal Rule of Evidence 501, state law governs privilege concerning a claim or defense for which state law supplies the rule of decision.

## KEY QUOTATIONS

*“state law governs privilege regarding a claim or defense for which state law supplies the rule of decision.”*  
(at 2)

*“The Court finds that in camera review of this relatively limited scope of documents would be the most efficient process to resolve the remaining disputes”* (at 1)

## FACTUAL BACKGROUND

The remaining discovery disputes concerned four Microsoft Teams chat threads, three email threads including attachments, and one PowerPoint presentation for which Defendants asserted privilege. Plaintiffs requested in camera inspection of those materials, and Defendants stated that they did not object if the court deemed review appropriate.

## PROCEDURAL HISTORY

The parties submitted a joint letter reporting that they had narrowed the privilege disputes to eight documents or collections of related documents. Plaintiffs requested in camera review, Defendants did not object, and the court ordered the review and permitted supplemental letter briefs and declarations.

## DISPOSITION

other

## CASES CITED

- In re Uber Techs., Inc., Passenger Sexual Assault Litig., No. 23-md-03084-CRB (LJC), 2024 WL 4907142, at \*1 (N.D. Cal. Nov. 27, 2024)
- Holley v. Gilead Scis., Inc., No. 18-cv-06972 JST (JISC), 2021 WL 2371890, at \*2 (N.D. Cal. June 10, 2021)

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