

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PRECEDENTIAL VALUE	Unpublished, nonprecedential district court order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)

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 REGARDING IN CAMERA

9 REVIEW FOR REMAINING

PRIVILEGE DISPUTES

10 Re: Dkt. No. 176 11 12 13 The Court understands from the parties' latest joint letter (ECF No. 176) that the parties 14 have narrowed their disputes regarding Defendants' assertions of privilege to eight documents or 15 collections of related documents: four Microsoft Teams chat threads, three email threads 16 (including attachments), and one PowerPoint presentation.¹ Plaintiffs request that the Court 17 review those documents in camera. Defendants "do not object to Plaintiffs' request for an in 18 camera inspection if the Court is so inclined," and if so, ask for leave to provide a declaration in 19 support of their privilege designations. ECF No. 176 at 4. 20 The Court finds that in camera review of this relatively limited scope of documents would 21 be the most efficient process to resolve the remaining disputes, and based on Defendants' non- 22 objection, so orders. Defendants shall arrange with the Courtroom Deputy for submission of the 23 documents at issue to the Court by email or other means no later than June 30, 2025. 24 By the same deadline, each party may file a separate letter brief not exceeding four pages 25 and/or any declaration(s) they believe to be appropriate to support their positions as to whether the 26 documents are privileged. The parties may alternatively rest on their current letter and the Court's 27 1 knowledge of the relevant law if they prefer, except that if any party disputes that California law 2 || governs privilege in this action, they must address that issue in a letter brief. See Fed. R. Evid. 3 501 ("[S]tate law governs privilege regarding a claim or defense for which state law supplies the 4 rule of decision."); In re Uber Techs., Inc., Passenger Sexual Assault Litig., No. 23-md-03084- 5 CRB (LJC), 2024 WL 4907142, at *1 (N.D. Cal. Nov. 27, 2024); Holley v. Gilead Scis., Inc., No. 6 18-cv-06972 JST (JISC), 2021 WL 2371890, at *2 (N.D. Cal. June 10, 2021) (applying California 7 || choice-of-law rules to conclude that California privilege law applied in a case with "factual 8 || connections to multiple states," where no party introduced evidence of a conflict of laws or 9 another state's governmental interest in applying its own law). 10 IT IS SO ORDERED. 11 Dated: June 23, 2025 12 * ms [try —

A J. CISNEROS

14 ited States Magistrate Judge 15 16 17 Z 18 19 20 21 22 23 24 25 26 27 28