

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.

OPINION

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