

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re Meta Pixel Healthcare Litigation

Meta Pixel Healthcare Litigation · No. 22-cv-03580-WHO (VKD) · Decided July 21, 2025

SUMMARY

The United States District Court for the Northern District of California denied plaintiffs’ request to depose former Meta employee Dinkar Jain after the close of fact discovery. The court found that plaintiffs had not acted diligently and had not made the particularized showing required to establish that Jain possessed unique relevant knowledge warranting an additional deposition.

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	July 21, 2025
DOCKET	22-cv-03580-WHO (VKD)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs sought an order allowing them to depose former Meta employee Dinkar Jain after the close of fact discovery and requiring Meta to reimburse Jain's counsel for travel expenses to India. The discovery dispute was referred to the magistrate judge for resolution.
STANDARD OF REVIEW	The court applied the relevance and proportionality requirements of Federal Rule of Civil Procedure 26(b), the limits and leave requirement for additional depositions under Rule 30(a)(2), and required a particularized showing of need for a deposition beyond the permitted limit.
PRECEDENTIAL VALUE	unpublished
PARTIES	Plaintiffs v. Meta

TOPICS

- discovery dispute
- civil procedure
- health law

PRACTICE AREAS

civil procedure

discovery

QUESTIONS PRESENTED

1. Whether plaintiffs should be permitted to take Dinkar Jain's deposition after the close of fact discovery.
2. Whether plaintiffs made the required particularized showing of need for an additional individual fact-witness deposition beyond the applicable limit.
3. Whether the court should require Meta to reimburse Jain's counsel for travel expenses to India to defend the deposition.

HOLDINGS

1. Plaintiffs were not entitled to take Jain's deposition after the fact-discovery deadline because they failed to show diligence in attempting to obtain the deposition during the discovery period or that Meta interfered with their ability to do so.
2. Plaintiffs failed to make the particularized showing of need required to obtain leave for Jain's deposition.

KEY QUOTATIONS

“Plaintiffs shall choose their remaining deponents wisely, as they will not be permitted to take more than 12 individual fact witness depositions absent a stipulation or leave of the court.” (at 2)

FACTUAL BACKGROUND

Meta identified Dinkar Jain in its initial disclosures in September 2022 and later identified him as a former employee in December 2024. Plaintiffs considered Jain a priority and potentially vital witness but did not seek an order compelling his deposition or leave to exceed the deposition limit before fact discovery closed. Plaintiffs asserted that Jain possessed unique knowledge of Meta's downstream systems and could address gaps caused by Meta's alleged failure to preserve evidence, but they did not describe that knowledge with meaningful specificity.

PROCEDURAL HISTORY

Plaintiffs identified Jain as a potential deponent during discovery but did not obtain his deposition before the May 30, 2025 fact-discovery deadline. Plaintiffs later filed a motion seeking relief, which was referred as a discovery dispute on July 1, 2025. The court denied the request to take Jain's deposition.

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 & County of Honolulu, 447 F.3d 1172, 1179-80 (9th Cir. 2006)
- Authentec, Inc. v. Atrua Techs., Inc., No. 08-cv-1423 PJH, 2008 WL 5120767, at *1 (N.D. Cal. Dec. 4, 2008)

OPINION

In Re Meta Pixel Healthcare Litigation

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 IN RE META PIXEL HEALTHCARE Case No. 22-cv-03580-WHO (VKD)

LITIGATION

8 This Document Relates To: ORDER RE JULY 14, 2025

9 DISCOVERY DISPUTE RE JAIN

All Actions. DEPOSITION 10 Re: Dkt. Nos. 1112, 1113 11 12 13 The parties ask the Court to resolve a dispute regarding whether plaintiffs should be 14 permitted to take the deposition of former Meta employee Dinkar Jain, and if so, whether Meta 15 should be required to reimburse Mr. Jain's counsel for travel to India for purposes of defending 16 the deposition. Dkt. No. 1112.1 The Court finds this dispute suitable for resolution without oral 17 argument. Civil L.R. 7-1(b). 18 Plaintiffs contend that they should be able to take Mr. Jain's deposition after the close of 19 fact discovery because Meta failed to timely disclose that Mr. Jain was no longer employed by 20 Meta and otherwise refused to cooperate during the discovery period in scheduling his deposition.

21 Id. at 2-4. They also contend that Mr. Jain has unique knowledge of relevant Meta systems, 22 including "downstream systems" as to which Meta failed to preserve critical evidence. Id. at 2, 5. 23 1 Plaintiffs move to seal portions of the discovery letter brief on the ground that Meta claims the 24 information in question is confidential. Dkt. No. 1113. Plaintiffs' counsel advises that the parties conferred in advance regarding the specific portions of the discovery submission to be sealed, as 25 directed by the Court, and reached agreement on the portions for which sealed is requested. See Dkt. No. 1113-1 ¶ 5. As plaintiffs' 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 Meta responds that plaintiffs have unreasonably delayed in seeking Mr. Jain's deposition, 2 including waiting until well past the May 30, 2025 fact discovery deadline before filing a motion 3 seeking relief.2 Id. at 5-7. In addition, Meta argues that plaintiffs have already exceeded the 4 number of depositions they were permitted to take, absent leave of court, and have not shown that 5 Mr. Jain has unique knowledge of any relevant system. Id. at 7. 6 Having considered the parties' discovery dispute letter, the applicable authority, and other 7 pertinent information in the record, the Court denies plaintiffs' request for an order permitting 8

them to take Mr. Jain's deposition, for the following reasons: 9 First, plaintiffs have not shown that they acted diligently in attempting to obtain Mr. Jain's 10 deposition during the fact discovery period, or that Meta interfered with their ability to do so. 11 Plaintiffs learned of Mr. Jain as early as September 2022, when Meta identified him in its initial 12 disclosures. Id. at 2, 6. He was listed at that time as a current employee who could be contacted 13 through counsel for Meta. Id. at 2. After plaintiffs identified Mr. Jain as a person they wished to 14 depose on November 15, 2024, Meta identified him as a "former employee" in a responsive 15 communication on December 10, 2024, although it indicated that Meta's counsel would represent 16 Mr. Jain for purposes of his deposition. Id. at 2, 6. 17 During the next several months, the parties had difficulty reaching agreement about the 18 number, duration, scope, and scheduling of fact witness depositions, and raised several matters 19 with the Court for resolution. See, e.g., Dkt. No. 772, Dkt. No. 785 (16:11-41:11), Dkt. No. 845. 20 On February 18, 2025, the Court issued an order regarding individual and Rule 30(b)(6) fact 21 witness depositions and deposition scheduling. Dkt. No. 850. At that time, Mr. Jain was among 22 those listed on plaintiffs' list of "priority" deponents (Dkt. No. 845 at 2, Dkt. No. 846-3 at 2), and 23 plaintiffs apparently described his testimony as "vital" in a late March 2025 communication with 24 Meta (Dkt. No. 952-3 at ECF 6). And yet, plaintiffs did not take the necessary steps to obtain Mr. 25 Jain's deposition testimony before the fact discovery deadline, even though Mr. Jain's counsel 26 2 Plaintiffs filed a noticed motion on June 30, 2025. See Dkt. No. 1090. The matter was referred 27 to the undersigned as a discovery dispute for resolution on July 1, 2025, and the parties were 1 offered to make Mr. Jain available for a remote deposition during the month of May 2025. Dkt.

2 No. 1112 at 3, 7.

3 Plaintiffs suggest that the deposition could not proceed before the close of fact discovery 4 because of a dispute about whether plaintiffs or Meta would reimburse Mr. Jain for his counsel's 5 expenses to travel to India to defend Mr. Jain's deposition, and also because of a dispute about 6 whether plaintiffs had already noticed or taken all of the individual fact witness depositions that 7 they were entitled to take, absent agreement or leave of court. See id. at 3-4. These arguments are 8 not persuasive. By plaintiffs' own account, they were fully aware of Mr. Jain's role at Meta, the 9 purported significance of testimony,³ and his former employee status well before the close of fact 10 discovery. Plaintiff do not explain why they did not seek an order compelling Mr. Jain's 11 deposition, or addressing the issue of who should pay his counsel's travel costs, before the close of 12 fact discovery. And while plaintiffs do not dispute that, given the number of individual 13 depositions they had already taken or noticed, they would have needed leave of court to take Mr. 14 Jain's deposition, they offer no reason why they did not seek leave to do so before the close of 15 fact discovery, or at least by June 5, 2025—the last day to file discovery-related disputes with the 16 Court. 17 Second, plaintiffs have not shown that Mr. Jain has unique knowledge of relevant Meta 18 systems, including "downstream systems" as to which Meta failed to preserve critical evidence. 19 As the Court explained in its prior order: 20 Plaintiffs may take no more than 12

depositions of individual fact witnesses. . . . Plaintiffs shall choose their remaining deponents 21 wisely, as they will not be permitted to take more than 12 individual fact witness depositions absent a stipulation or leave of the court. 22 See Fed. R. Civ. P. 30(a)(2). In discussing any depositions beyond the 12-deposition limit, the parties should keep in mind that leave 23 will be granted only to the extent consistent with the relevance and proportionality requirements of Rule 26(b). . . . The party seeking 24 additional depositions must make a particularized showing of need for the depositions. See *Authentec, Inc. v. Atrua Techs., Inc.*, No. 25 08-cv-1423 PJH, 2008 WL 5120767, at *1 (N.D. Cal. Dec. 4, 2008). 26 Dkt. No. 850 at 1-2. Plaintiffs have made no such particularized showing regarding the need for 27 1 Mr. Jain’s deposition. While they say Mr. Jain is a “critical and irreplaceable” witness with 2 || “intimate and unique knowledge,” see Dkt. No. 1112 at 2, 5, plaintiffs do not describe the “unique 3 || knowledge” he possesses in any meaningful detail. 4 Meta argues that Mr. Jain is unlikely to have the kind of information plaintiffs claim they 5 require because (1) he was a product manager, not an engineer, (2) as a former employee, he 6 || would have less detailed information available to him to prepare for his deposition than would a 7 current employee, and (3) four other Meta engineers—Tripathi, Wooldridge, Jayakumar, and 8 || Patel—have already testified about the full scope of Meta’s data pipeline. See *id.* at 7. Plaintiffs 9 || respond, in part, by saying that some of these engineers “disclaimed significant knowledge of 10 || Meta’s downstream systems” and did not answer “basic questions” about the relevant systems, but 11 they do not go beyond these conclusory observations or demonstrate that Mr. Jain is likely to have 12 || the specific information they require. See *id.* at 5. This is particularly true to the extent plaintiffs 5 13 believe Mr. Jain is in a position to supply relevant information that Meta failed to preserve. On 14 || this point, plaintiffs have not explained at all how Mr. Jain’s testimony might fill in any gaps 15 || resulting from Meta’s failure to preserve data, or might mitigate the prejudice plaintiffs may have 16 suffered as a result of the loss of that data. See Dkt. No. 880. 3 17 Accordingly, the Court denies plaintiffs’ request for an order permitting them to depose 18 Mr. Jain. 19 IT IS SO ORDERED. 20 || Dated: July 21, 2025 21 3 Virginia K. DeMarchi United States Magistrate Judge 24 25 26 27 28