

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA, SAN JOSE DIVISION

Deborah Howington, et al. v. Taiwan Semiconductor Manufacturing
Co., Ltd., et al.

Howington · No. 24-cv-05684-VKD · Decided January 29, 2026

SUMMARY

The United States District Court for the Northern District of California resolves plaintiffs’ motion to compel discovery from Taiwan Semiconductor Manufacturing Co., Ltd. The Court addresses non-custodial ESI, a disputed request for production, custodians and search terms for custodial ESI, and the timing of productions responsive to RFP 27. The Court orders further party conferral and requires a joint status report by February 24, 2026.

CASE DETAILS

COURT	United States District Court for the Northern District of California, San Jose Division
WRITING FOR THE COURT	Virginia K. DeMarchi
JURISDICTION	United States District Court for the Northern District of California
DECIDED	January 29, 2026
DOCKET	24-cv-05684-VKD
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved to compel discovery from defendant Taiwan Semiconductor Manufacturing Co., Ltd. The court resolved the motion in part, denied the request concerning RFP 33 as written, directed the parties to confer regarding disputed ESI, and required a joint status report.
STANDARD OF REVIEW	Discovery disputes are governed by Federal Rule of Civil Procedure 26, including relevance, proportionality, protection against cumulative or duplicative discovery, and protective orders for good cause.
PRECEDENTIAL VALUE	Unpublished federal district court discovery order; precedential status is unknown.

TOPICS

discovery dispute

civil procedure

employment discrimination

racial discrimination

PRACTICE AREAS

civil procedure

employment law

civil rights

QUESTIONS PRESENTED

1. Whether TSMC was required to investigate and remedy identified gaps in its production of noncustodial ESI.
2. Whether plaintiffs' RFP 33 was sufficiently particularized to support an order compelling production.
3. Whether the apex doctrine categorically protected documents held by four high-level TSMC custodians from discovery.
4. What procedures were required concerning custodians, search terms, ESI review, and the timing of production responsive to RFP 27 before depositions.

HOLDINGS

1. As a general matter, the apex doctrine does not apply to document discovery; discovery from high-level custodians is instead governed by Federal Rule of Civil Procedure 26. A party seeking to avoid such discovery must show that it is unreasonably cumulative or duplicative, available from a more convenient source, or otherwise warrants protection under Rule 26.
2. The court denied plaintiffs' motion to compel production responsive to RFP 33 because the request was overbroad.
3. The parties were required to confer about the identified production gaps, and TSMC was required to investigate and remedy gaps where responsive data was available but had not been produced. For RFPs 16-19, aggregate numerical data, rather than individual-specific data, was sufficient.
4. TSMC's practice of producing large numbers of documents responsive to RFP 27 shortly before a witness's deposition prejudiced plaintiffs' ability to prepare. The parties were required to coordinate production so that substantially all responsive documents for each named plaintiff would be produced a reasonable time before that plaintiff's deposition.

KEY QUOTATIONS

"The Court agrees with plaintiffs that, as a general matter, the apex doctrine does not apply to document discovery, but only to deposition discovery." (at 3)

"Rather, discovery from the disputed custodians is guided by application of Rule 26, which permits discovery regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case." (at 3)

"The Court agrees with plaintiffs that TSMC's practice of producing a large number of selected documents responsive to RFP 27 a few days before a witness's deposition prejudices plaintiffs' counsel's ability to adequately prepare the witness for the deposition." (at 4)

FACTUAL BACKGROUND

Plaintiffs sought noncustodial and custodial ESI concerning alleged disparate treatment of workers based on race, national origin, and citizenship. They identified gaps in TSMC's production, sought documents from four high-level custodians, disputed search terms and ESI-review techniques, and objected to TSMC's production of documents shortly before depositions. TSMC argued that some requested data was difficult to access, that high-level custodians were protected by the apex doctrine, and that their documents would duplicate production from other sources.

PROCEDURAL HISTORY

The court previously permitted plaintiffs to file a motion to compel discovery. Plaintiffs then moved to compel production from TSMC, and the court held a hearing and discovery status conference on January 27, 2026. The court issued this order summarizing the rulings made at the hearing and requiring the parties to submit a joint status report by February 24, 2026.

DISPOSITION

other

CASES CITED

- Affinity Credit Union v. Apple Inc., No. 22-cv-04174-JSW, 2024 WL 3859802, at *2 (N.D. Cal. Aug. 16, 2024)
- Alta Devices, Inc. v. LG Elecs., Inc., No. 18-cv-00404 LHK (VKD), 2019 WL 8757255, at *1 (N.D. Cal. Feb. 20, 2019)
- Apple Inc. v. Samsung Electronics Co., Ltd., 282 F.R.D. 259, 263-64 (N.D. Cal. 2012)