

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

United States of America, *et al.*,

Plaintiffs,

v.

Google LLC,

Defendant.

Case No. 1:20-cv-03010-APM

HON. AMIT P. MEHTA

State of Colorado, *et al.*,

Plaintiffs,

v.

Google LLC,

Defendant.

Case No. 1:20-cv-03715-APM

HON. AMIT P. MEHTA

JOINT STATUS REPORT

In accordance with the Court's Minute Order dated August 31, 2021, the parties in *United States v. Google LLC* and *State of Colorado v. Google LLC* submit the following Joint Status Report summarizing the state of discovery and identifying any issues between the parties, and the parties' respective positions, that will be raised at the status hearing scheduled for September 28, 2021.

I. Case No. 1:20-cv-03010

A. Google's Discovery of Plaintiffs

A summary of Google's First Set of Requests for Production and prior document

productions made by Plaintiffs are set forth in the parties' earlier Joint Status Reports, including their reports dated February 23 (ECF No. 111), March 28 (ECF No. 124), April 23 (ECF No. 131), May 24 (ECF No. 135), June 24 (ECF No. 149), July 27 (ECF No. 165), and August 27 (ECF No. 191).

B. Plaintiffs' Discovery of Google

A summary of Plaintiffs' First and Second Sets of Requests for Production and the document productions made by Google are set forth in the parties' earlier Joint Status Reports, including their reports dated February 23 (ECF No. 111), March 28 (ECF No. 124), April 23 (ECF No. 131), May 24 (ECF No. 135), June 24 (ECF No. 149), July 27 (ECF No. 165), and August 27 (ECF No. 191). Google produced additional documents in response to Plaintiffs' First and Second Requests for Production on September 1, 9, 13, 17, and 21, and Google produced additional data on September 9, 10, and 17. Plaintiffs served their Fourth Requests for Production on July 28, Fifth Requests for Production on August 13, and Sixth Requests for Production on August 20. Google served its responses and objections to the aforementioned Requests for Production on August 27, September 19, and September 20, respectively.

Following several meet and confers regarding Plaintiffs' Rule 30(b)(6) notice dated July 9, 2021, the parties advised the Court on September 9 that the parties had reached impasse on two issues. In accordance with Court's Minute Order dated September 12, 2021, Google filed its opening brief on September 13 (ECF No. 214), Plaintiffs filed their reply brief on September 17 (ECF No. 217), and Google filed its reply brief on September 22 (ECF No. 220). The parties are prepared to address these issues at the September 28 Status Conference.

Plaintiffs originally noticed the Rule 30(b)(6) deposition for September 13, and later re-noticed the deposition for September 30 to accommodate the parties' meet and confers and briefing schedule. On September 13, Google identified the two witnesses that it intends to

designate to testify regarding the topics specified in the notice (subject to Google's objections thereto) and informed Plaintiffs that the two witnesses are available on the dates in October that Google has offered or agreed to in response to Plaintiffs' Rule 30(b)(1) deposition notices for those witnesses. The parties dispute whether witnesses should sit separately for Rule 30(b)(1) and Rule 30(b)(6) depositions and are prepared to address the issue at the September 28 Status Conference.

C. The Parties' Discovery of Third-Parties

A summary of the third-party discovery requests previously issued by the parties is set forth in the parties' earlier Joint Status Reports, including their reports dated February 23 (ECF No. 111), March 28 (ECF No. 124), April 23 (ECF No. 131), May 24 (ECF No. 135), June 24 (ECF No. 149), July 27 (ECF No. 165), and August 27 (ECF No. 191). The parties have issued document subpoenas to approximately 87 third parties in total. The parties anticipate that they will continue to issue additional document subpoenas as discovery progresses.

II. Case No. 1:20-cv-03715

A. Google's Discovery of Plaintiff States

A summary of Google's First Set of Requests for Production and the document productions made by Plaintiffs to date are set forth in the parties' earlier Joint Status Reports, including their reports dated March 28 (ECF No. 124), April 23 (ECF No. 131), May 24 (ECF No. 135), June 24 (ECF No. 149), July 27 (ECF No. 165), and August 27 (ECF No. 191).

B. Plaintiff States' Discovery of Google

A summary of Plaintiff States' First Set of Requests for Production and the parties' meet and confer discussions are set forth in the parties' earlier Joint Status Reports, including their reports dated March 28 (ECF No. 124), April 23 (ECF No. 131), May 24 (ECF No. 135), June 24

(ECF No. 149), July 27 (ECF No. 165), and August 27 (ECF No. 191). Google has continued to produce to Plaintiff States the documents and data produced to the U.S. Department of Justice and its co-plaintiffs in Case No. 1:20-cv-03010. Since the last status conference, Google indicated that it has substantially completed its production of documents in response to Plaintiff States' First Set of Requests for Production.

On September 23, 2021 Plaintiff States served their Second Set of Requests for Production ("Second RFPs") on Google. Google's deadline to respond to Plaintiff States' Second RFPs is October 25, 2021.

On September 15, 2021, Plaintiff States and Google filed a Joint Status Report (ECF No. 216) updating the Court on the status of issues related to Plaintiff States' 30(b)(6) data deposition notice. The deposition occurred on September 24. With respect to the data sample described in the July 27 Joint Status Report (ECF No. 165), Google produced the sample from the later period on August 31 and informed Plaintiff States on September 17 that it has completed reconstruction of the sample from the earlier period, but has not yet produced that data. Google offered to make this data available via Cloud-transfer. Plaintiff States declined that offer because of logistical issues. Google is now proceeding with a hard drive production.

Pursuant to the Court's Minute Order dated September 12, 2021, Google, on September 13, 2021, filed a Motion for Protective Order related to Plaintiffs' July 9, 2021 Rule 30(b)(6) deposition notice (ECF No. 214). On September 17, 2021 Plaintiffs filed an opposition to Google's Motion (ECF No. 217). Google filed its reply in support of its Motion for Protective Order on September 22, 2021 (ECF No. 220). Google's Motion for Protective Order is now fully briefed before the Court.

C. The Parties' Discovery of Third Parties

The parties have issued document subpoenas to approximately 88 third parties. All third parties that have received a subpoena from Plaintiff States have received a cross-subpoena from Google. Similarly, all third parties that have received a subpoena from Google have received a cross-subpoena from Plaintiff States. Both parties anticipate that they will continue to issue additional document subpoenas as discovery progresses.

Dated: September 24, 2021

Respectfully submitted,

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