

**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 instructions during the March 30 status conference, the parties in *United States v. Google LLC* and *State of Colorado v. Google LLC* submit the following Joint Status Report to update the Court.

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

Since the March 30 status conference, the parties have worked to attempt to narrow the points of dispute with respect to the Plaintiffs' 20 search string proposal, Plaintiffs' 20 custodian proposal, modifications to Google's March 18 search proposal, and a search protocol to be used on the documents marked unresponsive to the investigation subpoena.

The parties intend to continue the meet-and-confer process over the next few days and have committed to exchange additional information in the interest of resolving or narrowing the points of dispute. The parties propose to file on Friday, April 23 a Joint Status Report updating the Court on the status of discovery and whether any issues remain in dispute, and if so, the parties' positions as to those issues.

The parties (along with the plaintiffs in Case No. 20-cv-03715) are also negotiating an amendment to the CMO regarding shared access to productions.

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

### **A. Colorado Plaintiff States' and Google's Joint Summary of the State of Discovery**

#### **1. CO Plaintiff States' Discovery on Google**

On February 24, 2021, the CO Plaintiff States served their First Requests for Production ("First RFPs") on Google. The CO Plaintiff States conferred with the U.S. Department of Justice ("U.S. DOJ") on the First RFPs to avoid, as much as practicable, serving RFPs seeking materials that overlap with or duplicate the U.S. DOJ's First and Second sets of RFPs to Google. Google served its Responses and Objections to the CO Plaintiff States' First RFPs on March 26, 2021.

In accordance with an agreement the parties entered, Google provided proposed custodians to the CO Plaintiff States on March 22, 2021 and proposed search strings on March 29, 2021. The CO Plaintiff States and Google met and conferred on April 7, 2021 to discuss Google's Responses and Objections to its First RFPs and again on April 14, 2021 to discuss the CO Plaintiff States' data requests. The CO Plaintiff States sent a counterproposal to Google's proposed custodian list on April 12, 2021, and Google responded on April 13, 2021. Although the parties have not yet reached agreement on the scope of search strings or custodians, they will continue to meet and confer on April 21, 2021 regarding custodians as well as the other issues

raised in the meet and confer discussions. These other issues include but are not limited to (1) Google's objections that many of the CO Plaintiff States' RFPs seek "documents previously requested from and/or produced by Google in response to other requests;" (2) the relevant time period, including an ending cut-off date for the initial production of documents responsive to the CO Plaintiff States' RFPs and the need for a refresh; and (3) the CO Plaintiff States' request that Google "[p]roduce all Documents requested by the DOJ's First and Second Sets of RFPs issued to you on January 5 and 11, 2021, respectively, in United States, et al. v. Google LLC (No. 1:20-cv-3010 D.D.C.)." The CO Plaintiff States sent correspondence conferring further on these issues on April 8, 2021 and April 15, 2021.

The CO Plaintiff States also continue to participate in the meet and confers regarding the U.S. DOJ's Second Requests for Production, as the CO Plaintiff States request materials responsive to the U.S. DOJ's First and Second RFPs in the CO Plaintiff States' First RFPs. The CO Plaintiff States continue to reserve their rights to seek responsive material that may go to their Complaint that is requested by their incorporation of the DOJ's Requests.

## 2. Google's Discovery on CO Plaintiff States

Google served the CO Plaintiff States with its First Requests for Production ("Google First RFPs") on February 5, 2021. On March 8, 2021, the CO Plaintiff States served their responses and objections to Google's First RFPs. The CO Plaintiff States and Google met and conferred on March 16, 2021 regarding the CO Plaintiff States' responses and objections, and the CO Plaintiff States provided their positions regarding the points of dispute in a letter of March 25, 2021. On April 12, 2021, the Plaintiff States produced materials and communications from additional third parties in response to Google First RFPs, including communications with third parties not listed in the Plaintiff States' Initial Disclosures. The Plaintiff States made a supplemental production on April 14, 2021 of these additional third-party materials, which

substantially completed its production. Google is reviewing these productions and will confer with the CO Plaintiff States regarding any issues that arise.

3. Third-Party Discovery

The CO Plaintiff States have served subpoenas on all third parties the U.S. DOJ and Google subpoenaed. The CO Plaintiff States have been meeting and conferring with the third parties about the subpoenas and have been doing so in coordination with the U.S. DOJ. Google has served subpoenas on all third parties the U.S. DOJ and CO Plaintiff States subpoenaed and has been meeting and conferring with third parties regarding those subpoenas. The CO Plaintiff States and Google anticipate that they will continue to issue additional document subpoenas as discovery progresses. The parties are exchanging notice of modifications, extensions, or postponements to discovery requests served on non-parties on a weekly basis.

4. Amended Case Management Order

The parties are close to presenting to the Court resolution of an issue concerning the CMO and will do so as quickly as they can.

Dated: April 15, 2021

Respectfully submitted,

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