

ORAL ORDER: The Court, having reviewed Plaintiff's discovery dispute motion ("Motion"), (D.I. 523), and the briefing related thereto, (D.I. 524 ; D.I. 545 ; D.I. 554), hereby ORDERS as follows regarding the two categories of requests in the Motion: (1) With regard to Plaintiff's request that Defendant run a list of three search terms, (D.I. 524 at 1-2), it is GRANTED. Plaintiff heeded the Court's call to come forward with a "more focused showing as to additional search terms to be run[.]" (D.I. 310); it reduced the requested number of terms to three, and it sufficiently explained why each of those terms are relevant to the case and necessary here, (D.I. 524 at 1-2). Although Defendant suggested it would be unduly burdensome to have to review and produce documents related to these terms, it provided no supporting evidence (i.e., via a declaration) to support that assertion, and the total number of possibly implicated documents (about 14,000) does not strike the Court as out of bounds for a case like this. (D.I. 545 at 3; D.I. 554 at 1) As for Defendant's argument that each of the terms should not be counted as "one" term because they each use disjunctive connectors, (D.I. 545 at 2); see also *In re Google Litig.*, No. C 08-03172 RMW (PSG), 2011 WL 6113000, at *3 (N.D. Cal. Dec. 7, 2011) (providing a helpful discussion of this issue), Plaintiff capably explained why term 1 and term 2 use the disjunctive connector "or" only to address a variant—such that they can be fairly considered to amount to only one term, (D.I. 554 at 1). And even if term 3 actually amounts to more than one "term," in total, it is not clear that permitting each of Plaintiff's requested searches here would mean that it has exceeded the presumptive 10 additional search term limit set out in the Court's Default Standard. (D.I. 524 at 1); see also Default Standard for Discovery, Including Discovery of Electronically Stored Information ("ESI"), Section 5(b).; (2) With regard to Plaintiff's request that Defendant search the ESI of three additional custodians, it is GRANTED. Again, in response to the Court's advice, Plaintiff dramatically reduced the number of requested custodians (from approximately 50 to 3), and it heeded the Court's call to make a "detailed showing, in a nuanced, person-specific manner" as to why the three proposed custodians at issue have relevant information. (D.I. 310 (emphasis omitted)) Indeed, Defendant cannot easily deny that the proposed custodians have relevant material, since the individuals in question all were recently added to Defendant's supplemental initial disclosures. (D.I. 524 at 3 (citing *State Farm Mut. Auto Ins. Co. v. Amazon.com, Inc.*, Civil Action No. 22-1447-CJB, D.I. 146 (D. Del. Feb. 15, 2024)); *id.*, ex. 10 at 4) Plaintiff also explained why each of the three proposed custodians had unique relationships with relevant third parties, such that there is a good chance that a number of their responsive documents will not be cumulative to material already produced. (*Id.* at 3 (citing *id.*, ex. 4 at 142-44, 146; *id.*, ex. 8 at 28, 41-42, 85-86; *id.*, ex. 9 at 12, 30-31, 34)) In response, Defendant never articulated why Plaintiff's assertions of relevance or non-cumulativeness were wrong or off-base. (D.I. 545 at 1) Thus, Plaintiff has thus shown the requisite good cause needed to require Defendant to search for a greater number of custodians than the presumptive 10 provided for by the Default Standard. See *State Farm*, D.I. 146 (granting a plaintiff's request in a large patent litigation that the defendant must search the electronic documents of four additional custodians, where the plaintiff showed that the custodians had relevant documents by noting that they were listed in the defendant's initial disclosures, where the defendant made no argument as to burden that was supported by any actual evidence, and where the plaintiff's arguments as to why the custodians had unique information went unrebutted by the defendant).; and (3)

Defendant shall search for and produce relevant documents related to the requests above in a timely fashion. Ordered by Judge Christopher J. Burke on 07/14/2025. (sam) (Entered: 07/14/2025)

As of July 15, 2025, PACER did not contain a publicly available document associated with this docket entry. The text of the docket entry is shown above.

Inpria Corporation v. Lam Research Corporation
1-22-cv-01359 (DDE), 7/14/2025, docket entry 586